

ARMENIAN BAR ASSOCIATION (NGO)

**ALTERNATIVE REPORT TO THE COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION (CERD)**

FOR REVIEW OF THE PERIODIC REPORT OF AZERBAIJAN

102nd session of CERD

(POSTPONED FROM 16-24 NOVEMBER - DATE TBA)

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“The Armenian Bar Association” (NGO) was formed in 1989 to provide an arena for lawyers of Armenian heritage to come together to address the legal concerns of the Armenian community. With the creation of an independent Republic of Armenia, the Association undertook the task of helping to build and encourage the growth of democratic institutions in Armenia.

The Armenian Bar Association is a forum in which attorneys with different backgrounds and at different stages of their careers share their expertise and insight. Such an exchange of experience and knowledge forms the backbone of the Armenian Bar Association’s dual goals of professional growth and community advancement. This sharing finds expression in the liaison work of the Armenian Bar Association in supporting the emergence of a rule of law society in the Republic of Armenia.

The cooperation also takes the form of pro bono assistance and legal education seminars geared toward raising community awareness of rights and responsibilities.

The Armenian Bar Association is a democratic organization. Its members and sponsors support it and give it direction. They approve its by-laws, elect a Board of Governors, nominate prominent jurists as honorary members, and set the policy for the fiscal year. The Association is committed to serve the profession of law, the interests of its members, and the rights of its constituents.

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INTRODUCTION

1. The “Armenian Bar Association” NGO (USA) submits this report (the “Report”) in advance of the Committee on the Elimination of Racial Discrimination’s (hereinafter “CERD” or the “Committee”) review of the periodic report of Azerbaijan at the 102nd session. It is meant to complement the report submitted to the CERD by the Protection of Rights without Borders NGO of Armenia (“PRWB”) on 26 October 2020. As Azerbaijan’s country review has been postponed since PRWB submitted its report, and as there have been new incidents of anti-Armenian speech and racial discrimination since then, this Report seeks to fill the gaps between that report’s submission and today’s submission, so that the CERD has the most complete information to date.
2. This Report focuses on Azerbaijan’s policies of racial discrimination against ethnic Armenians. Despite several international human rights organizations, including the CERD, having confirmed Azerbaijan’s policies as “concerning” on numerous occasions, Azerbaijan not only has failed to end these policies and practices but rather has exacerbated them, during its recent military action against the predominantly Armenian-populated Republic of Artsakh (hereinafter also called “Nagorno-Karabakh” or “Artsakh”) and the Republic of Armenia.
3. Specifically, on 27 September 2020, Azerbaijan initiated air and ground attacks against its neighboring democracies, the Republics of Artsakh and Armenia (the “Nagorno Karabakh Conquest”),¹ in Azerbaijan’s attempt to resolve the Nagorno-Karabakh conflict through a “military solution”—instead of through negotiations and consultations within the OSCE Minsk Group framework—and which conduct flouted United Nations Security Council Resolutions 822 (1993), 853 (1993), 874 (1993), and 884 (1993) as well as the United Nations Charter, which prohibit such use of force.
4. While Azerbaijan has disclaimed its ability to implement the provisions of the international human rights treaties to which it is a party in its “occupied territories”—referring to Nagorno-Karabakh—Azerbaijan’s obligation to investigate instances of hate speech does not depend on its *de facto* territorial control and therefore cannot excuse Azerbaijan’s failure to implement its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD” or the “Convention”) and other relevant treaties. Indeed, the International Court of Justice has observed that the ICERD contains “no restriction of a general nature . . . relating to its territorial application” and

¹ See “Azerbaijan: Unlawful Strikes in Nagorno-Karabakh,” Human Rights Watch (11 Dec. 2020), <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh#:~:text=On%20September%2027%2C%20Azerbaijan%20began,agreement%20to%20end%20the%20hostilities>.

Article 2 (undertaking to engage in no act or practice of racial discrimination against persons) and Article 5 (undertaking, among other things, the right to security of person and protection by the State against violence or bodily harm) apply to the actions of a State party even when it acts beyond its territory.² Likewise, Azerbaijan’s obligation to prevent discrimination extends to all persons whose actions would be attributable to Azerbaijan (including the members of its armed forces), and therefore a lack of territorial control does not relieve Azerbaijan of its international obligations, particularly during a period of Azerbaijan’s military aggression to reclaim said territories.

5. As of today, Azerbaijan has *de facto* control of roughly two-thirds of Nagorno-Karabakh following its Nagorno-Karabakh Conquest. Both before and after the Nagorno-Karabakh Conquest, however, Azerbaijan failed to take steps to conform with the CERD’s Concluding Observations of 2016, whether in Nagorno-Karabakh, in Azerbaijan, or beyond its internationally recognized borders.
6. This Report lists and details facts regarding the policies of racial hatred and discrimination against ethnic Armenians, which facts demonstrate that Azerbaijan has not eliminated the problems highlighted in the CERD’s Concluding Observations of 2016 and has not implemented the CERD’s recommendations, but has instead reinforced policies of racial hatred and discrimination against ethnic Armenians. Such policies resulted in the most profound and severe expressions of Armenophobia and anti-Armenian sentiment in Azerbaijan, which manifested also as physical harm to ethnic Armenians.
7. This Report is organized into the following six sections and includes two annexes:
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² See ICJ, *Georgia v. Russia, Case Concerning Application of the International Convention on the Elimination of All Forms of Racial Discrimination, Request for the Indication of Provisional Measures, Order of 15 October 2008*, para. 109; see *general* Committee Against Torture, *Convention Against Torture and other Cruel, Inhuman or Degrading Treatment, General Comment No. 2, CAT/C/GC/2, Jan. 24, 2008*, para. 7 (explaining a State’s obligation to prevent torture applies to “all persons who act, *de jure* or *de facto*, in the name of, in conjunction with, or at the behest of the State party,” regardless of where the torture occurs).

I. Obligations/resolutions Azerbaijan has failed to implement since its last review

8. While this Report lists the additional incidents that occurred since PRWB's 26 October submission of its report, this Report also will address the background and incidents since Azerbaijan's 2016 review—the pervasive nature of which provides meaningful context for the more recent incidents directed against ethnic Armenians in the context of Azerbaijan's Nagorno-Karabakh Conquest.
9. On 10 June 2016, the CERD published its “Concluding observations on the combined seventh to ninth period reports of Azerbaijan.”³ Since then, Azerbaijan submitted its combined tenth to twelfth period reports as required by Article 9 of the Convention (the “Country Report”).⁴
10. In its Concluding Observations, the CERD urged Azerbaijan to make numerous changes, which Azerbaijan had not addressed at the time of that review, including:
 - a) In Paragraph 12 of the Concluding Observations, the Committee expresses concern about several Azerbaijani criminal code provisions and laws and urges Azerbaijan to bring its relevant legal provisions in line with the requirements of Article 4 of the Convention, “including by prohibiting and punishing, among other things, the dissemination of ideas based on racial superiority, the provision of assistance to racist activities, propaganda activities promoting and inciting racial discrimination and the incitement to racial hatred.” As will be addressed in Sections II-IV of this Report, Azerbaijan has continued to neglect this obligation.
 - b) In Paragraphs 17-20, the Committee urges Azerbaijan to undertake suggested educational measures to increase awareness of what racial discrimination entails and how it can be curtailed.
 - c) In Paragraphs 19-20, the Committee recommends that Azerbaijan determine and address the root cause of the low number of complaints about racial discrimination. The Committee recommends that Azerbaijan collect information on inter-ethnic relations and racial discrimination and use these findings to assess the effectiveness of the remedies available to victims of racial discrimination.

³ See Concluding observations on the combined seventh to ninth periodic reports of Azerbaijan, Committee on the Elimination of Racial Discrimination, (10 June 2016) CERD/C/AZE/CO/7-9, available at <https://www.refworld.org/publisher.CERD.CONCLOSURES.AZE.597b1ebc4.0.html>.

⁴ See Combined tenth to twelfth periodic reports submitted by Azerbaijan under article 9 of the Convention, due in 2019, (10 Oct. 2019) CERD/C/AZE/10-12, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrCAqhKb7yhsgoRhGEAt5PtvE5DMv2FiPFI3%2BvNRJE6IVgPCzk0JCIfD1TGPIYTVIKK4xH8CyxkQFge2O%2Fg2gT5v%2BeExDDuNkzNSt%2B4JLvBHJhgJCOjt>.

- d) In Paragraphs 25-26, the Committee recommends that Azerbaijan establish effective instruments of consultation and dialogue, particularly with the Armenian community.
11. Instead of adequately responding to the CERD’s concerns, including but not limited to those listed above, it appears that since its last review in 2016 Azerbaijan has doubled down on its international public relations campaign to depict Azerbaijan as a country where numerous ethnicities and religions can thrive, living harmoniously and in peace. Azerbaijan’s recent actions and public statements, however, and particularly in the context of the Nagorno-Karabakh Conquest, have laid bare the sincerity of such claims.
12. Indeed, Azerbaijan’s actions during the Nagorno-Karabakh Conquest constitute numerous examples of Azerbaijan’s flagrant violations of its obligations under the ICERD. While Azerbaijan maintains, for example, in paragraph 133 of its Country Report, that “strengthening of mutual understanding and dialogue between ethnic minorities and religious faiths in the country are among the priorities of government policy in Azerbaijan,”⁵ its government policies and rhetoric over at least the last year since that statement was published have been the opposite of tolerant—and particularly as with respect to the Armenians.
13. Furthermore, while Azerbaijan claims in its Country Report that it criminalizes inflammatory speech and information that incites violence on the basis of ethnicity, there is no such case demonstrating that Azerbaijan does apply its criminal provisions equally (as when Armenians are the targets), or at all. It is notable that in the comments regarding Paragraph 27 of the Concluding Observations, Azerbaijan does not mention any instance of punishment of hate speech against ethnic Armenians, despite numerous examples of such underlying conduct.⁶ Furthermore, Azerbaijan’s actions, as well as its failure to condemn the conduct of its civilians, representatives, and combatants, demonstrate the insincerity of Azerbaijan’s commitment to its obligation under the ICERD to prohibit and punish inflammatory speech inciting violence on the basis of ethnicity.
14. Azerbaijan has declined to use any of its relevant criminal code provisions to bring proceedings against individuals accused of alleged anti-Armenian acts. In paragraphs 52-53 and 59 of its response to the CERD’s Concluding Observations, Azerbaijan notes that Article 283.1 of its criminal code “provides for liability for actions aimed at inciting ethnic, racial, social, or religious hatred or enmity, humiliating

⁵ See *id.* ¶ 133.

⁶ See *id.* ¶¶ 133-35.

national dignity, restricting citizens' rights or according superior status to citizens on the basis of their ethnic, racial or social affiliation or attitude to religion, if these acts are performed in public, including through the media.”⁷ In addition, Article 13 (2) of Azerbaijan's Information, Informatization and Protection of Information Act “prohibits the dissemination of information advocating violence and religious extremism and open calls aimed at inciting ethnic, racial or religious hatred or enmity on the Internet.”⁸ Yet Azerbaijan has declined to apply these provisions for any anti-Armenian conduct whatsoever.

II. Inflammatory speech against Armenians by the Azerbaijani government and public figures

15. In addition to the information provided in PRWB's Alternative Report submitted on 26 October 2020, further confirmed incidents have emerged regarding the use of inflammatory language by Azerbaijani officials and public figures. The following paragraphs describe some of the numerous examples of such inflammatory language as of late, employed at the highest levels of Azerbaijan's government.
16. As described in PRWB's report, Azerbaijani President Ilham Aliyev often refers to Armenians as “dogs.” Since that report was submitted, President Aliyev, in his 10 November 2020 public address to the nation, once again said: “*We chased them out of our lands like dogs. I said that we would chase them, that we would chase them like dogs, and we chased them, we chased them like dogs.*”⁹
17. It is not uncommon for other Azerbaijani government leaders to associate Armenians with dogs, in attempts to disassociate ethnic Armenians from any personhood and humanity. For example, in a video uploaded on 13 November 2020, Huseynov Camal, an Azerbaijani general who fought in the First Nagorno-Karabakh War in the 1990s, is seen calling Armenians dogs and further threatens: “*After Karabakh, we will come to Yerevan [the capital of Armenia] . . . and you will see what we will do.*”¹⁰
18. Such threatening and Armenophobic statements also emanate from Turkey's leadership—Azerbaijan's ethnic and linguistic “brother nation” and close military ally, which directly assisted Azerbaijan in its

⁷ *Id.* ¶¶ 53-53, 59.

⁸ *Id.* ¶ 59.

⁹ The full text and translation of President Aliyev's 10 November 2020 speech is available on the website of the Republic of Azerbaijan's Ministry of Defense: mod.gov.az/en/news/president-ilham-aliyev-addressed-the-nation-33795.html.

¹⁰ Nail Kemerlinin Kanali, “Bilsəydilər erməni dilini bilirəm dərimi soyardılar - Hüseynov Camal (ALL SUBTITLES AVAILABLE),” YouTube (13 Nov. 2020), <https://youtu.be/YworvILKGyQ?t=800>.

Nagorno-Karabakh Conquest. Earlier this year, Turkish President Recep Tayyip Erdoğan used the Turkish term “kılıç artığı,” which means “leftovers of the sword,” in reference to the survivors of the Christian massacres that mainly targeted Armenians, Greeks and Assyrians in the Ottoman Empire and its successor state, Turkey.¹¹ More recently, on 5 December 2020, President Erdoğan referred to the Armenian flag as rag-scrub,¹² thus showing complete disrespect for one of the main symbols of an entire nation.

19. Many high-ranking Azerbaijani officials also have frequently voiced threatening statements alluding to massacres and genocides of Armenians. In 2005, Hajibala Abutalybov, former Deputy Prime Minister of Azerbaijan, said to a visiting German delegation while serving as Mayor of Baku: “*Our goal is the complete elimination of Armenians. You Nazis eliminated the Jews in the 1930s and 40s, right? You should be able to understand us.*”¹³ Ramiz Melkov, the former spokesperson for Defense Minister Safar Abiyev, stated in 2004: “*Within the next 25 years there will be no state of Armenia in the South Caucasus. These people...have no right to live in this region.*”¹⁴
20. As another example, Elnur Aslanov, Head of the Political Analysis and Information Department of the Presidential Administration of Azerbaijan, stated that “*Armenia has turned into ‘a cancer tumor’ on the region.*”¹⁵ This type of language is reminiscent of previous mass atrocities in which the perpetrators demonized the victim group, characterizing it as a threatening illness that had to be removed for the wellbeing of society.
21. Nevertheless, such speech is so pervasive among Azerbaijani leadership that it is often directed and disseminated not only at the national but international level, often via social media. On 17 November

¹¹ “Turkey: Erdogan uses ‘Leftovers of the Sword’ anti-Christian hate speech,” Genocide Watch (11 May 2020), <https://www.genocidewatch.com/single-post/2020/05/11/Turkey-Erdogan-uses-Leftovers-of-the-Sword-anti-Christian-hate-speech>; Uzeyir Bulut, “Erdogan Insults Survivors of the Turkish Genocide of Assyrians, Greeks and Armenians,” Gatestone Institute (13 May 2020), <http://www.aina.org/news/20200513130644.pdf>.

¹² See Aris Nalcı | Արիս Նալցի, <https://t.co/LREUowoh9x> Twitter (5 Dec. 2020), <https://twitter.com/arisnalcı/status/1335279401857114114?s=20>; Haber Global, “Cumhurbaşkanı Erdoğan: Artık Karabağ Semalarını Hilal Ve Yıldız Süslüyor!,” YouTube (5 Dec. 2020), <https://www.YouTube.com/watch?v=TbqFKowqQZM>.

¹³ Committee on Foreign Affairs, House of Representatives, 110th Congress, Second Session, June 18th, 2008, Serial No. 110-200, p. 5.

¹⁴ See *id.*

¹⁵ “Armenophobia in Azerbaijan: Organized Hate Speech & Animosity Towards Armenians,” the Office of Ombudsman of the Republic of Artsakh (25 Sept. 2018), https://agbueurope.org/wp-content/uploads/sites/17/2017/02/Armenophobia-in-Azerbaijan-1.00-Interactive-25.09.2018.pdf?fbclid=IwAR3UvpfJrVZAK2a%20F3OEu5oOxk-toGhmIIDAbhzUhyckamzqPI_oPtKrvzTg.

2020, Twitter deactivated the official twitter account of Hikmet Hajiyev, Assistant of the President of the Republic of Azerbaijan and Head of the Foreign Policy Affairs Department of the Presidential Administration, due to his violations of Twitter’s hate speech policy.¹⁶

22. The unbridled use of inflammatory language by Azerbaijani government officials—without repercussions or even so little as an admonishment from their government—appears to have encouraged Azerbaijani public figures to parrot such anti-Armenian hate speech. For example, Habil Aliyev, a famous Azerbaijani musician, has said: *“The Armenians are our enemies. No peace is possible with them! ... the Armenians are not the type of a nation with whom peaceful talks could be held. They are a nation of parasites.”*¹⁷
23. More recently, when journalist Saadat Kadyrova was asked on Russian national television on 9 October 2020 why Azerbaijan intentionally struck a historic Armenian cathedral in Shushi, Nagorno-Karabakh not once but twice (injuring two Russian journalists), Ms. Kadvrova offered the following justification: Armenian soldiers had been using the cathedral for prayer.¹⁸ She also referred to the cathedral as a toilet and to Armenians as terrorists, by invoking a past statement of Vladimir Putin about chasing terrorists everywhere, even at outhouses. She went on to justify the bombing by stating that *“for Azerbaijan [Armenians] are occupiers and wherever they are they must be [targeted].”*¹⁹
24. Similarly, on 28 October 2020, Nurlan Ibrahimov, head of the press service of the UEFA “Qarabagh” football club of Azerbaijan, wrote on Facebook: *“We must kill all Armenians—children, women and the elderly. We need to kill them without making a distinction. No regrets. No compassion.”*²⁰

¹⁶ Tigran Balayan (Armenian Ambassador to the Netherlands), Twitter (17 Nov. 2020), <https://twitter.com/tbalayan/status/1328779950414057475>.

¹⁷ Interview with One of the Leaders of the Azerbaijani National Socialist Movement Kemal Turan, ПРАВИЕ НОВОСТИ — PN14.INFO (7 Aug. 2013), <http://pn14.info/?p=137744>.

¹⁸ Evening with Vladimir Soloviev, “Политолог Саадат Кадырова оправдала обстрел храма в Карабахе, где были ранены российские журналисты,” YouTube (9 Oct. 2020), <https://www.YouTube.com/watch?v=Xox3PTSROEs> (discussing beginning at 7:04).

¹⁹ *See id.*

²⁰ Asbarez Staff, “UEFA Bans Azeri Soccer Officer Who Said ‘We Must Kill All Armenians,’” (4 Nov. 2020), <http://tiny.cc/oub5tz>.

25. Additional evidence of hate speech and animosity towards ethnic Armenians by public officials and public figures can be found in the recently published Ad Hoc Public Report by the Human Rights Defender of Armenia and the Human Rights Ombudsman of Artsakh.²¹

III. Inflammatory speech against Armenians in Azerbaijani public discourse and social media

26. The use of inflammatory language by both public officials and public figures appears to give license to the “everyday” people of Azerbaijan, as well as those in its diaspora, to also call for the death of Armenians. These public calls have occurred with alarming frequency, particularly throughout the past thirty years—starting from when the ethnic Armenian majority populace of Artsakh (then the Nagorno-Karabakh Autonomous Oblast) began peacefully demonstrating for its independence from the Azerbaijani Soviet Socialistic Republic in the late 1980s and early 1990s—to as recently as July 2020, when 50,000 people in Azerbaijan’s capital of Baku (a city that does not generally allow mass demonstrations or protests) were heard chanting: “*Death to Armenians*”²² and President Aliyev later praised the threatening anti-Armenian demonstrations as “*another picture showing the unity of the people and power.*”²³

27. Along with decades of continued Armenophobia in Azerbaijan and the use of hate speech by various prominent Azerbaijani figures, there is also evidence of Azerbaijani children learning at a young age, as taught by their schoolteachers, that Armenians are the enemy of Azerbaijan.²⁴ It has been reported that parents also teach their “*children to hate Armenians because they killed our sons.*”²⁵

²¹ Ad Hoc Public Report: Organized Hate Speech and Animosity Towards Ethnic Armenians in Azerbaijan as Root Causes of Ethnically Based Torture and Inhuman Treatment by Azerbaijani Armed Forces, Human Rights Defender of Armenia & Human Rights Ombudsman of Artsakh (September to November 2020), <https://www.ombuds.am/images/files/2032f021fe81176414a649d588ad0e86.pdf>.

²² Elena Pavlovska, 50,000 Azeri protestors gather in Baku chanting pro-war slogans, demand military action against Armenia, NewEurope (16 July 2020), <https://www.neweurope.eu/article/50000-azeri-protestors-gather-in-baku-chanting-pro-war-slogans-demand-military-action-against-armenia/>.

²³ “Azerbaijani opposition hit with new arrests following Aliyev speech,” OC Media (17 July 2020), oc-media.org/azerbaijani-opposition-hit-with-new-arrests-following-aliyev-speech.

²⁴ Artsakh Ombudsman, “Azerbaijani children are taught to hate Armenians in Baku preschool,” YouTube (5 Mar. 2018), <https://www.YouTube.com/watch?v=0ROC6CClbPM>.

²⁵ Rayhan Demytrie, “Nagorno-Karabakh conflict: Human cost of two nations fighting for ‘Motherland,’” BBC News (1 Nov. 2020), <https://www.bbc.com/news/world-europe-54723662> (“The family always kept an Azerbaijani flag in the house and Aziza now hopes her four-year-old son Ruslan will one day join the army and become a general. ‘I will be teaching my children to hate Armenians because they killed our sons.’”).

28. Due to anti-Armenian sentiment being so ingrained in government, media, and state institutions, it is of no surprise that there was a marked increase in hate speech towards ethnic Armenians across social media platforms since 27 September 2020 (the start of Azerbaijan’s Nagorno-Karabakh Conquest). Many ethnic Armenians in all parts of the world reported receiving numerous threatening messages, such as death threats, threats of rape, and even threats of the eradication of Armenia as a country—i.e., genocide.²⁶ For numerous samples demonstrating the type of rhetoric that is aimed at ethnic Armenians on social media, [please see Annex I to this Report](#).
29. In many of the messages sent to ethnic Armenians, both in the Republic of Armenia as well as the diaspora, one theme is often repeated: “*finish what we started 100 years ago*”²⁷ and “*continue Armenian Genocide 2020*.”²⁸ Accompanying these messages are either death threats, threats to commit rape, or, in most instances, both. For example, one user wrote: “*I want to torture your all nation as rape, burn all body slowly, [execute] you, then kill you as a last resort . . . You and your race don’t deserve to live.*”²⁹ In another example, another user wrote: “*Genocide is on his way. We are coming to Yerevan now. All the Armenians will be executed. I will take your moms heart in my hand. 1915 again in 2020. Get ready for Turks. Turks are coming motherfucker. We will f[*]ck all your holes.*”³⁰
30. Though many of the messages sent and posted on various social media platforms are concerning, what is particularly concerning are the messages written about ethnic Armenian children. For example, two days before Azerbaijan’s 27 September 2020 invasion of Nagorno-Karabakh, someone posted a question on Twitter asking, “*Would you kill an Armenian baby?*”³¹ Shockingly, numerous Azerbaijanis responded in the affirmative, explaining that they would do so “*without blinking*” and characterizing all Armenian children as a future threat.³²

²⁶ See, e.g., Samadeus D Arnoqyan, Instagram (13 Nov. 2020), <https://www.instagram.com/p/CHjH62rHfyk/> (collecting samples of threatening speech directed towards Armenians since the start of the Nagorno-Karabakh Conquest).

²⁷ See Annex I, page 3.

²⁸ *Id.* at 8.

²⁹ *Id.* at 16.

³⁰ *Id.* at 9.

³¹ Paul Antonopoulos, “Greek City Times, Beautiful baby is born in Artsakh as Azerbaijani Twitter users admit they would kill Armenian babies,” (2 Oct. 2020), <https://greekcitytimes.com/2020/10/02/beautiful-baby-is-born-in-artsakh-as-azerbaijani-twitter-users-admit-they-would-kill-armenian-babies/>.

³² See *id.*

31. In addition to the rise in hate speech, numerous Armenians have also reported receiving many private message requests on social media platforms, particularly on Instagram, from accounts that appeared to be Armenian. After opening the message, believing it to be from an Armenian or an ally, these users were instead subjected to graphic and gruesome videos/photographs of the mutilated dead bodies of ethnic Armenian soldiers or the torture of Armenian soldiers and civilians. For a sample of several of these Instagram accounts, which appear to have been created during the Nagorno-Karabakh Conquest to target and traumatize ethnic Armenians by sending them graphic media, [please see Annex II to this Report](#).
32. The Azerbaijani government has done nothing to condemn these manifestations of hate crimes found on social media and in public discourse. Instead, it has only encouraged and incited such rhetoric amongst its own officials.³³ As will be discussed in the following section, Azerbaijan's encouragement of this kind of rhetoric has effects beyond its geographic borders; recently ethnic Armenians in other parts of the world have experienced increased physical violence, as well as vandalism and damage to their property.

IV. Physical hate crimes against Armenians around the world

24. Azerbaijan's state-sanctioned hate speech against ethnic Armenians has incited hate crimes internationally, including prior to the start of the Nagorno-Karabakh Conquest. For example, in San Francisco, California, the Krouzian-Zekarian-Vasbouragan ("KZV") Armenian School was vandalized on 24 July 2020; the vandals spray-painted "Azerbaijan" and the colors of the Azerbaijan flag on the property.³⁴ On 17 September 2020, an Armenian church in San Francisco was set ablaze, and the KZV Armenian School was fired at by gunshots on 19 September 2020.³⁵ These incidents, which were aimed

³³ For additional examples of how the Azerbaijani government encourages hate speech, see Anzhela Elibegova, "Armenophobia in Azerbaijan: Causes and Effects," EVN Report (09 May 2017), <https://www.evnreport.com/politics/armenophobia-in-azerbaijan-causes-and-effects>.

³⁴ See, e.g., Megan Cassidy and Brett Simpson, "Armenian school in SF vandalized with threats, hate speech as conflicts with Azerbaijan intensify," SF Chronicle (27 July 2020), <https://www.sfchronicle.com/crime/article/Armenian-school-in-SF-vandalized-with-threats-15432780.php>.

³⁵ "Fire Burns Armenian Church Building Overnight in San Francisco; Arson Suspected," KPIX 5 CBS SF Bay Area (17 Sept. 2020), <https://sanfrancisco.cbslocal.com/2020/09/17/armenian-church-burns-san-francisco-arson-suspected/>.

at centers of Armenian cultural life,³⁶ have been classified as hate crimes by local police.³⁷

25. A fourth incident in San Francisco involved someone marking the front door of an Armenian household with a red cross,³⁸ a tactic that was used during the anti-Armenian pogroms in Sumgait, Azerbaijan in 1988 to indicate that the inhabitants would soon be killed.³⁹ The ethnic Armenian residents found these events particularly alarming and traumatizing, given that a large portion of the San Francisco Armenian community consists of refugees from Azerbaijan and survivors of the anti-Armenian pogroms in Azerbaijan in the late 1980s and early 1990s, including the Sumgait pogrom.⁴⁰
26. In Moscow, Russian Federation on 24 July 2020, a group of Azerbaijanis beat up Armenians and later attacked and vandalized Armenian-owned stores.⁴¹ On that same day in Moscow, Armenian apricot vendors were forbidden from entering Food City, a market belonging to an Azerbaijani businessman, to sell their goods.⁴² Also on 24 July 2020, in Cologne, Germany, 20-30 masked individuals who identified themselves as Azerbaijani attacked an Armenian-owned hookah bar causing considerable property damage.⁴³
27. Hate crimes increased dramatically since the start of the Nagorno-Karabakh Conquest. In October 2020, Turkish and Azerbaijani nationals in Lyon and Vienne, France took to the streets “looking for

³⁶ Nora Mishanec, “3 incidents at S.F. Armenian church, school now considered hate crimes,” SF Chronicle (23 Sept. 2020), <https://www.sfchronicle.com/bayarea/article/3-incidents-at-S-F-Armenian-church-school-now-15591677.php>.

³⁷ *See id.*

³⁸ *See* Communication with San Francisco Police Department, Personal Communication (23 Nov. 2020) (available upon request); Devin Katayama, Nastia Voynovskaya, Ericka Cruz Guevarra, and Alan Montecillo, “Armenians Came to SF to Escape Genocide. Now, Fears of That History Are Resurfacing,” KQED (October 19, 2020), <https://www.kqed.org/news/11842699/the-border-conflict-touching-san-franciscos-armenian-community>; @ZaraGiaa, Twitter (6 Oct. 2020), <https://twitter.com/ZaraGiaa/status/1313525162029936640>.

³⁹ *See supra* n. 38, “Armenians Came to SF to Escape Genocide.”; Yulia Shahnazarova, “How an Armenian Family Survived a Pogrom in Baku,” Asbarez (16 Aug. 2018), <http://asbarez.com/174379/how-an-armenian-family-survived-a-pogrom-in-baku/>.

⁴⁰ *See supra* n. 38, “Armenians Came to SF to Escape Genocide.”

⁴¹ “Armenians And Azerbaijanis Clash In Moscow,” Radio Free Europe (26 July 2020), <https://www.rferl.org/a/armenians-and-azerbaijanis-clash-in-moscow/30747590.html>.

⁴² Diana Petriashvili “Flags, slogans and fruits: what is causing conflict between Armenians and Azerbaijanis abroad?,” JAM News (24 July 2020), <https://jam-news.net/azerbaijani-armenia-conflict-russia-moldova/>.

⁴³ Siranush Ghazanchyan, “Azerbaijanis attack Armenian-owned hookah bar in Cologne, Germany,” Public Radio of Armenia (30 July 30, 2020), <https://en.armradio.am/2020/07/30/azerbaijanis-attack-armenian-owned-hookah-bar-in-cologne-germany/>.

Armenians.”⁴⁴ In Lyon, both the Armenian Genocide Memorial and the Armenian Cultural Center were vandalized with “RTE,” the initials of Turkish President Recep Tayyip Erdoğan, graffitied on them, as well as symbols of the Turkish ultra-nationalist and neo-fascist group, the Grey Wolves.⁴⁵ In Vienne, pro-Turkish individuals attacked Armenian demonstrators with a knife and hammer, resulting in the hospitalization of a 23-year-old man,⁴⁶ an event which implicates Azerbaijan given that Turkey is Azerbaijan’s ethnic and military ally and has assisted Azerbaijan in its Nagorno-Karabakh Conquest. In this sense, the Grey Wolves, the militant wing of Turkey’s far-right Nationalist Movement Party (banned by France in November 2020),⁴⁷ have reportedly intimidated Armenian households in Germany by delivering flyers that state, “*We are with our Azerbaijani brothers and we will not allow Armenian infidel dogs to live comfortably in Germany.*”⁴⁸

28. Faced with intimidation and threats by Turkish and Azerbaijani nationals, Armenian schools and churches in France had to be protected by police and soldiers of France’s Operation Sentinel. “Sad image, but this is a strong symbol of protection that our nation provides to all its citizens. The threat facing the French-Armenians is a threat for all of France,” wrote Jonathan Lacôte, the Ambassador of France to Armenia, on Twitter on 5 November 2020.⁴⁹

29. In Turkey, the Istanbul governor approved a protest on 27 September 2020 in front of the Armenian Patriarchate, during which protesters waved Azerbaijani and Turkish flags.⁵⁰ The Istanbul governor was criticized for approving the protest, considering governors frequently use their authority to restrict

⁴⁴ Clea Skopeliti, “Video shows Turkish and Azeri nationals ‘looking for Armenians’ in France,” The Independent (29 Oct. 2020), <https://www.independent.co.uk/news/world/europe/turks-azeris-lyon-france-armenians-vienne-video-b1422175.html>.

⁴⁵ “Armenian Genocide memorial in Lyon vandalized with pro-Erdoğan graffiti,” Greek City Times (2 Nov. 2020), <https://greekcitytimes.com/2020/11/02/armenian-genocide-memorial-lyon/>.

⁴⁶ “Vienne: quatre blessés après des affrontements entre Arméniens et Turcs, un appel à témoins lancé,” Le Progrès (28 Oct. 2020), https://www.leprogres.fr/politique/2020/10/28/1-a7-coupee-au-niveau-de-vienne-par-une-manifestation-pro-armenie?utm_source=kwanko&utm_medium=contextual%20targeting&utm_campaign=GENERIQUE&utm_content=359907.

⁴⁷ Sylvie Corbet, “France bans Turkish ultranationalist group Grey Wolves,” AP (4 Nov. 2020), <https://apnews.com/article/turkey-lyon-recep-tayyip-erdogan-france-europe-30622741a131d1ecedcbf47aa935c331>.

⁴⁸ “The Grey Wolves Are Disseminating Threatening Flyers To Armenian Households In Germany,” Zartonk Media (16 November 2020), <https://zartonkmedia.com/2020/11/16/the-grey-wolves-are-disseminating-threatening-flyers-to-armenian-households-in-germany/>.

⁴⁹ Jonathan Lacôte, Twitter (5 Nov. 2020), <https://twitter.com/JonathanLacote/status/1324398319905419266>.

⁵⁰ “Anti-Armenian sentiment increases in Turkey following Azerbaijani-Armenian clashes,” Nordic Monitor (6 October 2020), <https://www.nordicmonitor.com/2020/10/anti-armenian-sentiments-increases-in-turkey-following-azerbaijani-armenian-clashes/>.

demonstrations and dissent in Turkey.⁵¹ Convoys of cars sporting Azerbaijani flags honked their way through Armenian neighborhoods in Istanbul, in a context where “Armenian-origin citizens have become scapegoats, and the object of rising racism and hate speech,” as expressed by Garo Paylan, an ethnic Armenian member of Parliament in Turkey.⁵² The Human Rights Association, a Turkish NGO, sent a letter to Turkish political parties to draw their attention to “the racist hate speech against Armenians because of the recent armed conflict between Azerbaijan and Armenia.”⁵³

30. Finally, yet another example of a physical hate crime occurred in July 2016, when Marat Ueldanov (Galustyan), a Russian national of Armenian descent, who had visited Baku in connection with his work for an Austrian company, was arrested on alleged drug trafficking charges and sentenced to eight years in prison, before ultimately being extradited to Russia in 2019.⁵⁴ His sister Mariana Mirzoyan, who believes the charges are false, has reported that Mr. Ueldanov was beaten while in custody because of his Armenian origin,⁵⁵ and Mr. Davit Knyazyan, Head of the OSCE and Conventional Arms Control Division has stated that this is an example of the alarming discriminatory situation in Azerbaijan.⁵⁶
31. Azerbaijan’s blatant anti-Armenian disposition has incited these hate crimes, which constitutes a violation of Articles 2(a), requiring State parties to not engage in racial discrimination and 2(b), requiring State parties not to sponsor, defend or support racial discrimination.

⁵¹ *See id.*

⁵² “Armenians feel uneasy in Turkey, says Turkish MP,” Arab News (2 Oct. 2020), <https://www.arabnews.com/node/1743071/middle-east>.

⁵³ “Hate speech against Armenians, Syrians, Kurds on the increase, warns İHD,” Bianet (6 Oct. 2020), <https://bianet.org/english/politics/232231-hate-speech-against-armenians-syrians-kurds-on-the-increase-warns-ihd>.

⁵⁴ “Azerbaijan extradited Marat Ueldanov to Russia,” Turan (5 May 2019), <http://www.turan.az/ext/news/2019/5/free/politics%20news/en/80724.htm>; “Azerbaijan extradited Marat Ueldanov to Russia,” Yerepouni News (6 May 2019), <https://www.yerepouni-news.com/2019/05/06/azerbaijan-extradited-marat-ueldanov-to-russia/>.

⁵⁵ Gor Aleksanyan, Faik Medjid, “Ueldanov’s sister reports his complaints about beating in Azerbaijani jail,” Caucasian Knot (8 May 2019), <https://www.eng.kavkaz-uzel.eu/articles/47091/>; “Baku court sentences Marat Ueldanov-Galustyan to 8 years in prison,” Armenpress (29 April 2017), <https://armenpress.am/eng/news/888804/baku-court-sentences-marat-ueldanov-galustyan-to-8-years-in-prison.html>.

⁵⁶ OSCE, Human Dimension Implementation Meeting Working Session 17, 2 October 2017, *available at* <https://www.osce.org/files/f/documents/4/6/352676.pdf>.

V. Racial hatred and Azerbaijan's violations during and after the Nagorno-Karabakh Conquest

32. Given Azerbaijan's state-sponsored and state-cultivated hatred and racial discrimination towards Armenians (as described in Sections II to IV of this Report), there is no question that the war crimes committed by Azerbaijan during and even after the Nagorno-Karabakh Conquest were racially motivated.
33. Among many provisions of the ICERD, Azerbaijan's conduct flouts Article 2 (undertaking to engage in no act or practice of racial discrimination against persons), Article 4(c) (undertaking to not permit public authorities or public institutions, national or local, to promote or incite racial discrimination), and Article 5(b) (right to security of person without distinction as to ethnicity) of the Convention.
34. In addition to flagrantly flouting its ICERD obligations, Azerbaijan's racially motivated wartime atrocity crimes violated numerous treaties to which it is a State party, including, but not limited to:
- The Geneva Conventions (1949);
 - The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its two additional Protocols;
 - The Convention on Bacteriological Weapons (1972);
 - The International Covenant on Civil and Political Rights (1976);
 - The Chemical Weapons Convention (1993);
 - The Optional Protocol to the Convention on the Rights of the Child, relative to the Participation of Children in Armed Conflict (2002);
 - The International Convention Against the Recruitment, Use, Financing and Training of Mercenaries (1989); and
 - The International Convention for the Suppression of the Financing of Terrorism (1999).
35. Azerbaijan's violations under these treaties, in turn, constitute breaches of Azerbaijan's obligations under the ICERD, because these crimes were racially motivated and would not have occurred as against Armenian civilian and civilian infrastructure, POWs, and personal and cultural property, but-for their Armenian race/ethnicity.
36. Moreover, the acts discussed in this Section V are not simply independent and separate instances of breaches by members of the Azerbaijani armed forces, but rather are driven and supported by

Azerbaijan's anti-Armenian policies, which have resulted in the ethnic cleansing and cultural erasure of Artsakh's ethnic Armenians.

a. Relationship between ICERD and war crimes committed

37. Any act committed by Azerbaijan on discriminatory grounds and involving elements of racial discrimination, either in peacetime or in the context of an armed conflict, falls within the scope of the ICERD—which is considered the principal instrument to combat discrimination, xenophobia, and related intolerance.⁵⁷ The ICERD applies to all instances of “racial discrimination” defined in Article 1 of the Convention, and, as such, places no limitation as to its scope of application in peacetime or in the context of armed conflicts.
38. War crimes and atrocities committed during an armed conflict and its aftermath may often be caused by sentiments of racism and intolerance towards the adversary. The Durban Declaration, which was aimed at developing a course of action for tackling racial discrimination and intolerance, affirmed that racism, racial discrimination, xenophobia, and related intolerance are among the root causes of many internal and international conflicts, including armed conflicts, and the consequent forced displacement of populations.⁵⁸
39. Likewise, the CERD has recognized that armed conflicts often stem from racially and ethnically motivated violence, and that the armed conflict, in turn, represents serious obstacles to the implementation of the Convention.⁵⁹ Racism and discriminatory policies might foster marginalization and dehumanization among societies and between population groups, leading to serious violations of human rights, including war crimes.⁶⁰ Therefore, to ensure compliance with their international

⁵⁷ General recommendation No. 29 on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, preambular ¶ 3, *available at* https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7500&Lang=en.

⁵⁸ World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, Declaration and Programme of Action (“Durban Declaration”), Preamble and ¶ 20, *available at* https://www.ohchr.org/Documents/Publications/Durban_text_en.pdf.

⁵⁹ Report of the Committee on the Elimination of Racial Discrimination, [UN Doc A/56/18](#) (14 Sept. 2001), ¶ 323.

⁶⁰ Statement Marking International Day for the Elimination of Racial Discrimination (21 March 2012), *available at* <https://reliefweb.int/report/world/united-nations-experts-say-racism-still-igniting-and-fuelling-violence-and-conflict>.

obligations, States party to the Convention are required to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination.⁶¹

40. The CERD has stressed the interconnection between racially motivated violence and compliance with international humanitarian law (“IHL”) norms. Serious violations of human rights and IHL have been found in the context of the ICERD, such as the right to security of person and the protection by the State against violence or bodily harm under the Convention.⁶² In situations of widespread acts of violence and violations of human rights and IHL, the CERD has called for compliance with IHL, stating that breaches of such obligations can amount to violations of a State’s obligations under the Convention as well.⁶³ Violations of IHL, including violations related to ethnic cleansing, have been observed in the context of the ICERD and were found to constitute grave violations of all the basic principles of the Convention.⁶⁴ Discrimination can easily lead to racially and ethnically motivated violence, which in turn may result in ethnic cleansing and genocide.⁶⁵
41. The International Committee of the Red Cross (“ICRC”) has also addressed the problem of racial discrimination in times of armed conflicts. The ICRC has stressed the importance of addressing such discrimination in situations of armed conflict and taking measures to combat impunity for grave breaches and other serious violations of IHL.⁶⁶

b. Azerbaijan flouted its ICERD and other treaty obligations throughout the Nagorno-Karabakh Conquest

42. Azerbaijan’s Armenophobic policies and systemic dehumanization of ethnic Armenians, which constitute breaches of its obligations under the ICERD, have led to grave human rights breaches and war crimes, which in turn constitute violations by Azerbaijan of its obligations under the ICERD. The

⁶¹ Durban Declaration ¶ 20.

⁶² Report of the Committee on the Elimination of Racial Discrimination, Decision 3(54) on Rwanda, [UN Doc A/54/18\(Supp\)](#) (29 Sept. 1999) ¶ 3.

⁶³ Prevention of Racial Discrimination, Including Early Warning Procedures and Urgent Action Procedures, Decision 1 (65), Situation in Darfur, Sudan, [UN Doc CERD/C/65/Dec.1](#) (10 Dec. 2004).

⁶⁴ Report of the Committee on the Elimination of Racial Discrimination, [UN Doc A/50/18](#) (22 Sept. 1995) ¶¶ 218-19.

⁶⁵ Report of the Committee on the Elimination of Racial Discrimination, Decision 4(54) on the Democratic Republic of the Congo, [UN Doc A/54/18\(Supp\)](#) ¶ 1 (29 Sept. 1999).

⁶⁶ ICRC statement at the World Conference against Racism: Non-Discrimination and Armed Conflict (3 Sept. 2001), available at <https://www.icrc.org/en/doc/resources/documents/statement/57jra8.htm>.

next subsections of this Report discuss specific categories of Azerbaijan's racially motivated wartime atrocity crimes as against ethnic Armenians during Azerbaijan's Nagorno-Karabakh Conquest.

43. As an initial matter, Azerbaijan's actions were intended to inflict maximum civilian and humanitarian damage. In this respect, it should be noted that Azerbaijan chose to initiate the Nagorno-Karabakh Conquest during the global COVID-19 pandemic. This was planned: it has been widely acknowledged that Azerbaijan began the conflict in late September as there are confirmed reports (and Turkey's own admission) that weeks and days before the fighting began, Turkey had been transporting arms and Syrian mercenaries to Azerbaijan in anticipation of their attack.⁶⁷ Moreover, the Nagorno-Karabakh Conquest appears to have been the first largescale "conflict" that involved the widespread and indiscriminate use of suicide- and missile-laden drones (by Azerbaijan) against not only "military" targets and Artsakh Defense Army personnel but as against civilian infrastructure, fleeing civilians, journalists, and non-combatants including children.⁶⁸ Azerbaijan's use of such autonomous weapons is gravely concerning, as most of the world condemns the indiscriminate and impersonal nature of "killer robots" (i.e., lethal autonomous weapons systems) as inhumane and socially unacceptable.

i. Azerbaijan humiliated, tortured, executed, beheaded, and mutilated captured Armenian civilians and POWs

44. Throughout the Nagorno-Karabakh Conquest, Azerbaijani social media channels circulated photos and videos of captured ethnic Armenian POWs and civilians. The Human Rights Defenders of Armenia and Artsakh have now completed their *fifth* report on atrocities committed by Azerbaijani armed forces against captured ethnic Armenian POWs and civilians,⁶⁹ which document numerous incidents such as those discussed below.

⁶⁷ See "Syrians Make Up Turkey's Proxy Army in Nagorno-Karabakh," *Foreign Policy* (5 Oct. 2020), <https://foreignpolicy.com/2020/10/05/nagorno-karabakh-syrians-turkey-armenia-azerbaijan/>.

⁶⁸ See, e.g., Leonid Bershidsky, "Drones Have Raised the Odds and Risks of Small Wars," *Bloomberg* (30 Nov. 2020), <https://www.bloomberg.com/opinion/articles/2020-11-30/drones-have-raised-the-odds-and-risks-of-small-wars>; Bethan McKernan, "Trench warfare, drones and cowering civilians: on the ground in Nagorno-Karabakh," *The Guardian* (13 Oct. 2020), <https://www.theguardian.com/artanddesign/2020/oct/13/trench-warfare-drones-and-cowering-civilians-on-the-ground-in-nagorno-karabakh>.

⁶⁹ See The Human Rights Ombudsman of Artsakh "Fifth Ad Hoc Report On Torture and Inhuman Treatment of Members of Artsakh Defense Army and Captured Armenians by Azerbaijani Armed Forces" (From Nov. 19-Dec. 2, 2020) (available upon request; these reports are not disseminated publicly, given the disturbing images and content they display).

45. Azerbaijani soldiers captured and later executed by gunfire, in the village of Hadrut, two live bound ethnic Armenian POWs (one of them an elderly non-combatant), draped in an Armenian flag.⁷⁰ In the video of the execution, which first circulated by Azerbaijani internet sources on 15 October 2020, the gunfire does not stop even after the men have fallen to the ground and appear lifeless.⁷¹
46. On 11 October 2020, Azerbaijani forces targeted an ambulance transporting the wounded.⁷²
47. On 16 October 2020, a member of the Azerbaijani armed forces called the brother of an Armenian POW and (i) relayed that they had beheaded his brother and were going to post the photo on the internet, and (ii) used hate speech with intention to humiliate the brother of the deceased POW.⁷³ Several hours later, the photo referenced was posted on the beheaded POW's social media account, presumably by the same individuals who had called his brother.⁷⁴
48. Azerbaijani social media accounts during the Nagorno-Karabakh Conquest circulated numerous photos and videos depicting the torture of Armenian POWs and the mutilation of the dead bodies of Artsakh Defense Army soldiers, which showed: (i) Azerbaijani soldiers cutting off the ear of a dead ethnic Armenian soldier; (ii) Azerbaijani soldiers hitting POWs on the head, trampling on their heads, and piercing various parts of their bodies with sharp objects; and (iii) dead ethnic Armenian soldiers, some of whom had their hands tied behind their back.⁷⁵
49. On 4 November 2020, Azerbaijani troops ambushed an ambulance carrying a wounded soldier from the front line, and an Armenian combat medic, Sasha Rustamyan, was shot dead.⁷⁶ The Azerbaijani troops who shot Dr. Rustamyan were disguised in Armenian military uniforms, which is why the

⁷⁰ See Atlantic Council's Digital Forensic Laboratory, "Evidence emerges of Azeri soldiers executing Armenian POWs," DRF Lab (15 Oct. 2020), <https://medium.com/dfrlab/evidence-emerges-of-azeri-soldiers-executing-armenian-pows-bf7b28a95f16>.

⁷¹ See *id.*

⁷² "Azerbaijan Targets an Ambulance Transporting the Wounded," Massis Post (11 Oct. 2020), <https://massispost.com/2020/10/azerbaijan-targets-an-ambulance-transporting-the-wounded/>.

⁷³ Marianna Karapetyan, "Azerbaijani military forces beheaded an Armenian soldier – Human Rights Defender," Public Radio of Armenia (19 Oct. 2020), <https://en.armradio.am/2020/10/19/azerbaijani-military-forces-beheaded-an-armenian-soldier-human-rights-defender/>.

⁷⁴ See *id.*

⁷⁵ See *supra* n. 69; see also, e.g., "Azeri troops cut off fallen Armenian soldier's ear," PanARMENIAN.Net (1 Nov. 2020), https://www.panarmenian.net/eng/news/287295/Azeri_troops_cut_off_fallen_Armenian_soldiers_ear.

⁷⁶ "Disguised as Armenian troops, Azeri commandos ambush AMBULANCE and kill doctor who hurried to help," Armenpress (4 Nov. 2020), <https://armenpress.am/eng/news/1033941.html>.

ambulance stopped when the “troops” flagged them down. At that point, Dr. Rustamyan exited the ambulance and approached them to see how he could help; he was killed by automatic gunfire.⁷⁷ The Azerbaijani sabotage team then fired at the ambulance, which crashed into a gorge.⁷⁸

50. Finally, insofar as journalists are civilians, they are protected by international humanitarian law,⁷⁹ and the attacks on Armenian (and foreign) journalists likewise indicate that their security of person was violated due to their ethnicity, or for reporting on the situation of ethnic Armenians.⁸⁰

ii. Azerbaijan intentionally targeted civilian infrastructure and Armenian cultural heritage, causing widespread destruction

51. Throughout the Nagorno-Karabakh Conquest, Azerbaijan caused widespread and indiscriminate damage to civilian infrastructure, which involved the following:

- a. Azerbaijan’s use of banned cluster munitions in civilian areas (which were not military objects nor close to any military targets), as confirmed by Amnesty International and Human Rights Watch,⁸¹
- b. Azerbaijan bombarded Stepanakert, the capital of the Republic of Artsakh, for several weeks, resulting in the destruction of many civilian and humanitarian facilities, including: (i) the

⁷⁷ See *id.*; see also 301 AD, Twitter (4 Nov. 2020), https://twitter.com/301_ad/status/1324114815099588610.

⁷⁸ *Id.*

⁷⁹ “How does international humanitarian law protect journalists in armed-conflict situations?,” ICRC (27 July 2010), <https://www.icrc.org/en/doc/resources/documents/interview/protection-journalists-interview-270710.htm>.

⁸⁰ “Caucasus: 4 Journalists Injured in Nagorno-Karabakh Fighting,” VOA (1 Oct. 2020), <https://www.voanews.com/press-freedom/caucasus-4-journalists-injured-nagorno-karabakh-fighting>. “Two French journalists seriously wounded after shelling in Nagorno-Karabakh,” Reuters (1 Oct. 2020), <https://www.reuters.com/article/us-armenia-azerbaijan-journalists-condit/two-french-journalists-seriously-wounded-after-shelling-in-nagorno-karabakh-idUSKBN26M5U7>; “Shelling injures 2 Russian journalists in Nagorno-Karabakh; Armenian government revokes journalist’s accreditation,” Committee to Protect Journalists (8 Oct. 2020), <https://cpj.org/2020/10/shelling-injures-2-russian-journalists-in-nagorno-karabakh-armenian-government-revokes-journalists-accreditation/>.

⁸¹ “Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs,” Amnesty International (5 Oct. 2020), <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/>; “Azerbaijan: Cluster Munitions Used in Nagorno-Karabakh,” Human Rights Watch (Oct. 23, 2020), <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh#>; see also “Fresh Azerbaijani shelling shatters peace after fragile ceasefire agreed,” The Guardian (Oct. 10, 2020), <https://www.theguardian.com/world/2020/oct/10/fresh-azerbaijani-shelling-shatters-peace-after-fragile-ceasefire-agreed>.

- targeting and bombing of the city's maternity hospital,⁸² (ii) the destruction of the city's central market, and (iii) power lines, children's playgrounds, vehicles, businesses, homes, the main post office, and the Karabakh Telecom building, as observed by Human Rights Watch.
- c. Schools in the Armenian towns of Sotk and Kut, in Gegharkunik province, were damaged by an Azerbaijani drone attack, as confirmed by the Armenian Ministry of Education.⁸³
 - d. Azerbaijan bombed a hospital in the northeast region of the Republic of Artsakh on 14 October 2020.⁸⁴ Injured civilians had been receiving treatment at this hospital.⁸⁵ Images of an Azerbaijani attack on a kindergarten in Martuni emerged that same day.⁸⁶
 - e. On 29 October 2020, Azerbaijani forces were recorded setting fire to the village of Aknaghbyur in Nagorno-Karabakh.⁸⁷
52. Moreover, Azerbaijan's policy of spreading hatred towards Armenians has manifested itself in the destruction and intentional targeting of Armenian cultural heritage sites. For example, Azerbaijan shelled the Tigranakert archaeological site, which is the "best-preserved city of the Hellenistic and Armenian civilizations" of the Caucasus, founded in the second to first century BC, and which was

⁸² "Azerbaijan hits maternity hospital in conflict with Armenia over Nagorno-Karabakh," USA Today (29 Oct. 2020), <https://www.prnewswire.com/news-releases/regional-reporter-informs-azerbaijan-has-bombed-a-maternity-hospital-301162434.html>.

⁸³ "Schools of Armenia's Sotk, Kut communities damaged by Azerbaijan drone attacks," News.am (19 Oct. 2020, <https://news.am/eng/news/608675.html>).

⁸⁴ "Rubble, glass and blood stains: aftermath of Karabakh hospital bombing," CTV News (16 Oct. 2020), available at: <https://www.ctvnews.ca/world/rubble-glass-and-blood-stains-aftermath-of-karabakh-hospital-bombing-1.5148399>; see also Shushan Stepanyan (Armenian Defense Ministry Spokesperson), Twitter (14 Oct. 2020), <https://twitter.com/ShStepanyan/status/1316365968810147845> ("URGENT: The Armed Forces of Azerbaijan have targeted one of the hospitals in Artsakh where civilians also receive medical treatment. This is a violation of humanitarian ceasefire and gross violation of international humanitarian law.").

⁸⁵ Shushan Stepanyan (Armenian Defense Ministry Spokesperson), Twitter (14 Oct. 2020), <https://twitter.com/ShStepanyan/status/1316492752755003398>; Armenian Unified Infocenter, Twitter (14 Oct. 2020), <https://twitter.com/ArmenianUnified/status/1316453118847209473>; Karabakh Records, Twitter (14 Oct. 2020), <https://twitter.com/KarabakhRecords/status/1316436586427547654>.

⁸⁶ Patrick Lancaster, "Artillery Hits Kindergarten Today In The Armenia-Azerbaijan War," YouTube (14 Oct. 2020), <https://www.YouTube.com/watch?v=vacnhaSWmEE&feature=youtu.be>; Artak Beglaryan, Twitter (14 Oct. 2-2020), https://twitter.com/Artak_Beglaryan/status/1316329393640345600.

⁸⁷ "Azerbaijani army sets Karabakh village on fire," Panarmenian (30 Oct. 2020), https://www.panarmenian.net/eng/news/287216/Azerbaijani_army_sets_Karabakh_village_on_fire.

later a major hub for early Christianity, with over 10 inscriptions discovered to date in the Armenian and Greek language dating to the fifth and seventh centuries CE.⁸⁸

53. Azerbaijan also targeted the St. Ghazanchetsots cathedral, an Armenian apostolic cathedral, in Shushi, where Armenian civilians, including children, were taking shelter; striking the cathedral two separate times and in the process injuring three foreign journalists who had come to the scene to document the first strike.⁸⁹

iii. Azerbaijan’s unfettered hate speech about Armenian children and the hate crimes directed against them during the war

54. Another area of concern is the hate speech directed at Armenian children. The protections against racial discrimination contained in the ICERD extend to children, and the CERD has on several occasions noted the importance of protecting children from racism. For example, in its Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada, the Committee noted with alarm the discrimination faced by indigenous children in Canada, and their needless removal from their families, communities and culture to the detriment of the rights contained in Articles 1, 2, 5, and 6.⁹⁰ Similarly, in its General Recommendation No. 34, the Committee noted the particular vulnerability of children of African descent, which may lead to the transmission of poverty from generation to generation.⁹¹ ICERD’s specific protections applicable to children include, among others, Article 5(b) the right to security of person, Article 5(e)(iv) the right to health, Article 5(e)(v) the right to education, Article 5(e)(vi) the right to participate in cultural activities, and Article 4, the State’s responsibility to eradicate incitement to racial hatred, among others.

⁸⁸ Simon Maghakyan, “Archeologist Raises Alarms Over Azerbaijan’s Shelling of an Ancient City,” HyperAllergic (5 Nov. 2020), <https://hyperallergic.com/592287/tigranakert-artsakh-nagorno-karabakh-war/>.

⁸⁹ Bethan McKernan, “Trench warfare, drones and cowering civilians: on the ground in Nagorno-Karabakh,” The Guardian (13 Oct. 2020), <https://www.theguardian.com/artanddesign/2020/oct/13/trench-warfare-drones-and-cowering-civilians-on-the-ground-in-nagorno-karabakh?fbclid=IwAR38EJosnqxBk778oJOLSvHgsc-PWtS76pG6-nHgjuoE3bwJuETyxU4gv5A>; News Desk, “Russian journalists come under attack by Azerbaijani aircraft in Karabakh,” Almasdar News (9 Oct. 2020), <https://www.almasdarnews.com/article/russian-journalists-come-under-attack-by-azerbaijani-aircraft-in-karabakh-video>.

⁹⁰ Concluding observations on the combined twenty-first to twenty-third periodic reports of Canada, Committee on the Elimination of Racial Discrimination, CERD/C/CAN/CO/21-23 (13 Sept. 2017) ¶ 27, available at <https://undocs.org/en/CERD/C/CAN/CO/21-23>.

⁹¹ General recommendation No. 34 adopted by the Committee, Committee on the Elimination of Racial Discrimination, CERD/C/GC/34 (3 Oct. 2011) ¶ 25, available at <https://undocs.org/CERD/C/GC/34>.

55. Azerbaijan’s failure to stem hate speech towards Armenians has permitted an unfettered outpouring of such hate speech towards Armenian children by Azerbaijani individuals.⁹² For example, as described in Section II, Nurlan Ibrahimov, an official of the UEFA “Qarabag” football club, published a social media post stating, “[w]e should kill all Armenians – children, women, elderly ones – everyone. No difference.”⁹³ A number of other Azerbaijani social media users have stated that it is necessary to kill Armenian children, writing “My hands are itching to do it,” “Both the Armenian mother and child should be killed,” etc.⁹⁴ Without doubt, Azerbaijan has failed to meet its obligation under Article 4 to eradicate the incitement of racial hatred, particularly in relation to children.
56. This unrestricted racial hatred of Armenian children has manifested in devastating ways. Azerbaijan’s attacks on ethnic Armenians in Artsakh, utilizing high-precision weapons, resulted in the death of one Armenian child, 9-year-old Victoria Gevorgyan, and the wounding of nine Armenian children, ranging from 1 to 17 years old.⁹⁵ These attacks, which would not have occurred if these children were not Armenian, compromised to the most extreme degree the rights of these children to the security of their person without discrimination as to their ethnicity as guaranteed by Article 5(b) in conjunction with Article 2.
57. Azerbaijan’s targeted attack of 8 October 2020, on the St. Holy Savior Ghazanchetsots Cathedral in Shushi, which was not near any military objects and was serving as shelter for children, women, and the elderly (thus not constituting a “military object”), indicates Azerbaijan’s goal of causing casualties and panic, and thereby forcing all civilians to leave the Republic of Artsakh.⁹⁶ In total, 40,000 children have been forcibly displaced.⁹⁷
58. Azerbaijan’s attacks on Armenian cultural institutions with the aim of forcibly removing Armenian children from their communities is a violation of Article 5(e)(vi), the right to participate in cultural activities.

⁹² Ad Hoc Report on the Children Rights Affected by the Azerbaijani Attacks against the Republic of Artsakh (Nagorno Karabakh), Human Rights Ombudsman of the Republic of Artsakh (9 Nov. 2020), available at <https://artsakhombuds.am/en/document/766>.

⁹³ *Id.* at 22.

⁹⁴ *Id.* at 23-25.

⁹⁵ *Id.* at 3-4.

⁹⁶ *Id.* at 7.

⁹⁷ *Id.* at 19.

59. Azerbaijan's indiscriminate attacks on civilian infrastructure, including educational institutions, are a direct violation of Article 5(e)(v) in conjunction with Article 2, as they deprived Armenian children of their right to an education due to their race. Azerbaijan's indiscriminate attacks on highly populated civilian areas forced all 220 schools and 58 kindergartens in Artsakh to close⁹⁸ and resulted in the deprivation of the right to education for 24,000 Armenian children during the Nagorno-Karabakh Conquest.⁹⁹ Due to these attacks, the children who remained in Artsakh spent the majority of their time in bomb shelters; thus, they could only receive an education when teachers were able to give lessons in these bunkers, often without resources.¹⁰⁰
60. Finally, Armenian children have experienced psychological trauma including anxiety, depression, sleeplessness, and fear of abrupt noises as a result of these attacks and, in many cases, the loss of one or both parents.¹⁰¹ In parallel, the sudden and forcible nature of the displacement has put all these children at risk for contracting COVID-19.¹⁰² These health effects are a consequence of Azerbaijan's targeting of Armenians. Therefore, Azerbaijan's attacks on the Republic of Artsakh violate the right of Armenian children to health without discrimination under Article 5(e)(iv), in conjunction with Article 2 of the Convention.

iv. Azerbaijan violated ethnic Armenians' environmental rights

61. Beginning on 26 October 2020, Azerbaijan caused massive forest fires by its deployment of incendiary ammunition, believed to be white phosphorus,¹⁰³ on the forests of Artsakh, where ethnic Armenian civilians were hiding to escape from Azerbaijan's widespread, indiscriminate attacks on residential areas.¹⁰⁴ Ethnic Armenians present during the use of incendiary ammunition have experienced

⁹⁸ *Id.* at 10; *see also* Artak Beglaryan (Human Rights Ombudsman of the Republic of Artsakh), Twitter (14 Oct. 2020); https://twitter.com/Artak_Beglaryan/status/1316329393640345600.

⁹⁹ Ad Hoc Report on the Children's Rights, *supra* n. 92 at 10-11; "24,000 children in Artsakh deprived of right to education," Ministry of Education, Science, Culture and Sports of the Republic of Armenia (Oct. 2020) (last visited 15 Dec. 2020), <https://escs.am/en/news/7292>.

¹⁰⁰ Ad Hoc Report on the Children's Rights, *supra* n. 92 at 14-15.

¹⁰¹ *Id.* at 20-21

¹⁰² *Id.* at 21.

¹⁰³ "Au Karabakh, des crimes de guerre au phosphore," L'OBS (13 Nov. 2020), *available at* https://www.nouvelobs.com/monde/20201113.OBS36046/au-karabakh-des-crimes-de-guerre-au-phosphore.html?utm_term=Autofeed&utm_medium=Social&utm_source=Twitter#Echobox=1605268715.

¹⁰⁴ *See Ad Hoc Public Report on the Use of Incendiary Ammunition of Mass Destruction (Incendiary Weapon) against Civilian Objects of Artsakh (Nagorno-Karabakh) by the Azerbaijani Armed Forces*, Human Rights

extensive harm: excruciating pain, organ failure, disfigurement, and psychological trauma, among other harms.¹⁰⁵ Additionally, the fires burned very close to Armenian civilian settlements, for example at between 100 and 200 meters of the Nngi village, in the Martakert province.¹⁰⁶

62. The Human Rights Defender of Armenia, during his visits to individuals who suffered these attacks and the specialists treating them, documented the specific nature and physical characteristics of the burns and their impact on the human body, leading to the conclusion that incendiary chemical elements (possibly white phosphorus) were used.¹⁰⁷ The specialists advised that such chemical elements may result in long-term health effects, such as respiratory infections, from when these materials are emitted into the human body.¹⁰⁸
63. These attacks would not have taken place if these individuals were not Armenian. Thus, ethnic Armenians' right to security of person without discrimination as to race, guaranteed by Article 5(b) in conjunction with Article 2, was violated by Azerbaijan's use of incendiary ammunition of mass destruction in the forests of Artsakh due to the racial targeting of Armenians and Armenian settlements.
64. Moreover, by deploying incendiary munitions on these forests, Azerbaijan violated the ethnic Armenians' environmental rights and thus its obligations under the ICERD. Although the ICERD does not explicitly reference environmental rights, the CERD has acknowledged that environmental harm can result in violations of the ICERD, particularly with respect to Article 5(d)(v) (the right to own property) and Article 5(e)(iv) (the right to health).¹⁰⁹ For example, in its Concluding observations on the combined seventh to ninth periodic reports of the United States of America, the Committee noted with concern the racially disparate impacts of environmental pollution on racial minorities, including

Ombudsman of the Republic of Artsakh and Human Rights Defender of the Republic of Armenia (9 Nov. 2020), p. 14, available at <https://artsakhombuds.am/en/document/761>.

¹⁰⁵ *Id.* at 10-11, 15-16.

¹⁰⁶ *Id.* at 19.

¹⁰⁷ *Id.* at 11.

¹⁰⁸ See Statement of Human Rights Defender of Armenia, Facebook (5 Dec. 2020), available at https://www.facebook.com/permalink.php?story_fbid=767917497140791&id=100017676420633.

¹⁰⁹ UN OHCHR, Mapping Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment Individual Report on the International Convention on the Elimination of All Forms of Racial Discrimination, Report (3December 2013) ¶ 14, available at <https://www.ohchr.org/Documents/Issues/Environment/Mappingreport/3.CERD-25-Feb.docx>.

indigenous peoples.¹¹⁰ (Also of note, in this context, is Article 5(e)(vi)'s protection of individuals' right to equal participation in cultural activities.)

65. In this respect, even beyond the immediate, grievous physical harm suffered by Armenian civilians,¹¹¹ Azerbaijan's use of incendiary ammunition in the forests of Artsakh may precipitate an environmental catastrophe, leading to long-term life and health implications for the people living in the area.¹¹²
66. Open source data demonstrates the extensive damage from fires that these attacks have caused.¹¹³ Environmental NGOs in Armenia have expressed concern that these attacks will destroy ecosystems and contaminate rivers and underground waters for years, posing a threat to human beings and wildlife.¹¹⁴
67. These attacks also threaten "traditional forest-related knowledge accumulated over thousands of years, [which] is deeply linked with the cultures of indigenous people living in Artsakh."¹¹⁵ Specifically, Azerbaijan's use of incendiary munitions resulted in the burning of 1815 hectares of forest,¹¹⁶ including community-owned forests,¹¹⁷ and killed livestock on which civilians depend not only for their livelihood but for their very survival.¹¹⁸
68. Again, these attacks took place because the inhabitants of the area were Armenian. Thus, Azerbaijan's use of these incendiary weapons has violated Armenians' rights to the environment without racial

¹¹⁰ Committee on the Elimination of Racial Discrimination, Concluding observations on the combined seventh to ninth periodic reports of the United States of America, CERD/C/USA/CO/7-9 (25 Sept. 2014) ¶ 10, available at <https://undocs.org/CERD/C/USA/CO/7-9>.

¹¹¹ Ad Hoc Public Report on the Use of Incendiary Ammunition, *supra* n. 104 at 14; Arman Tatoyan (Human Rights Defender of Armenia), Twitter (31 Oct. 31 2020), <https://twitter.com/atatoyan/status/1322461962362626055>.

¹¹² Ad Hoc Public Report on the Use of Incendiary Ammunition, *supra* n. 104 at 14.

¹¹³ "Available Satellite imagery shows environmental damage of reported white phosphorus use in Nagorno Karabakh," Digital Forensic Research Lab (12 Nov. 2020), <https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295>.

¹¹⁴ Statement of 50 NGOs in Armenia on Use of Phosphorus Weapons in Artsakh Forests Address to International Community, ECOLUR (2 Nov. 2020), available at <https://www.ecolur.org/en/news/biodiversity/12807/?fbclid=IwAR0DknMMgmfDf9zU4bs79yN5Zpb-R1LXAnxXIFjGWyJvwBGw51C7ENqEaao>.

¹¹⁵ *See id.*

¹¹⁶ Ad Hoc Public Report on the Use of Incendiary Ammunition, *supra* n. 104 at 21.

¹¹⁷ *See id.* at 17.

¹¹⁸ *See id.* at 25.

discrimination, as read into the right to health and property in Article 5, in conjunction with Azerbaijan's obligations under Article 2.

c. Azerbaijan continues to flout its ICERD and other treaty obligations after the 10 November 2020 Trilateral Agreement, which officially ended the Nagorno-Karabakh Conquest

69. On 10 November 2020, a ceasefire agreement (hereinafter referred to as the “Trilateral Statement”) was announced as between the President of Azerbaijan, Prime Minister of Armenia, and President of Russia, which terminated “all hostilities in the area of the Nagorno-Karabakh conflict.”¹¹⁹ In the Trilateral Statement, Azerbaijan was given the Armenian-populated territories that its troops had conquered during the Nagorno-Karabakh Conquest, such as most of Hadrut, and it was also agreed that Armenian forces would cede the districts of Akna (Agdam), Karvachar (Kelbajar), and Berdzor (Lachin) to Azerbaijan by December 2020.¹²⁰

70. Due to the suddenness of the Trilateral Statement, as well as the short period of time given for the ethnic Armenians of Artsakh to leave their homes, and the widespread destruction of civilian infrastructure and transport links, many Armenians were unable to leave these territories before they were ceded to Azerbaijan.¹²¹ Additionally, the relinquishment of two-thirds of the Republic of Artsakh resulted in (i) the displacement of tens of thousands of ethnic Armenians, amidst the COVID-19 pandemic, and (ii) the forced abandonment of thousands of Armenian cultural heritage monuments and sites to Azerbaijan's *de facto* control.¹²²

71. On 13 November 2020, a mere two days after the Trilateral Statement was announced, images emerged showing the aftermath of the battles over Shushi.¹²³ Alongside bodies of dead soldiers (apparently ethnic Armenian soldiers, as they comprise the majority of the Artsakh Defense Army) and a bullet-

¹¹⁹ “A Closer Look at the Trilateral Agreement to End War,” The Armenian Mirror-Spectator (16 Nov. 2020), <https://mirrorspectator.com/2020/11/16/a-closer-look-at-the-trilateral-agreement-to-end-war/>.

¹²⁰ *Id.*

¹²¹ See “Azeris Continue Barbaric Treatment of Armenians and Destruction of Cultural Sites,” Asbarez (19 Nov. 2020), <https://asbarez.com/198626/azeris-continue-barbaric-treatment-of-armenians-and-destruction-of-cultural-sites/>.

¹²² Nora McGreevy, “Why Scholars, Cultural Institutions Are Calling to Protect Armenian Heritage,” Smithsonian Magazine (24 Nov. 2020), <https://www.smithsonianmag.com/smart-news/metropolitan-museum-scholars-call-protection-cultural-heritage-nagorno-karabakh-180976364/>.

¹²³ “Nagorno-Karabakh aftermath sees corpses and burnt-out cars line roads, as UN is called in,” ABC News Australia (13 Nov. 2020, 3:33 PM), <https://www.abc.net.au/news/2020-11-14/nagorno-karabakh-corpse-vehicle-shell-aftermath-un-russia-help/12883842>.

riddled military ambulance, a vehicle could be seen spray-painted with swastikas and the word “*Sumqayit*.”



72. Sumqayit, or Sumgait, is a city in Azerbaijan where an anti-Armenian pogrom took place on 28 February 1988, involving the murder and mutilation of ethnic Armenians. The pogrom resulted in at least 32 people massacred and hundreds wounded, and it was followed by another anti-Armenian pogrom on 13 January 1990 in Azerbaijan’s capital city of Baku.
73. Thus, the swastikas coupled with the reference to “*Sumqayit*” indicates that the atrocities Azerbaijan committed during the Nagorno-Karabakh Conquest were motivated by racial hatred and an anti-Armenian ideology.
74. Even after the cessation of hostilities, Azerbaijan continues to flout its obligations under the ICERD and numerous treaties, as discussed in the remainder of this Report’s Section IV(c). As is evident from Azerbaijan’s conduct after the 10 November 2020 Trilateral Statement—which “officially” effectuated a ceasefire—Azerbaijan intends to create an atmosphere of fear and terror for the ethnic Armenian civilian population that hopes to remain in the villages of Artsakh not ceded to Azerbaijan under the Trilateral Statement. Azerbaijan’s conduct is thus aimed at forcibly removing ethnic Armenians from

their homeland of Artsakh—a region that Armenians have called home since at least 189 BC.¹²⁴ Any calls for peaceful coexistence are ignorant of this current reality. Indeed, the necessary conditions for coexistence cannot exist in a state of terror.

i. Hate speech by Azerbaijan’s president continued after cessation of hostilities, in an attempt to justify his nation’s wartime atrocity crimes against ethnic Armenians

75. Despite the official cessation of hostilities, Azerbaijan’s key government officials, including President Ilham Aliyev, remain committed to Azerbaijan’s policies of racial discrimination and demonization of the ethnic Armenian people. In his visit to the “liberated” Fuzuli and Jibrayil districts of Nagorno-Karabakh on 16 November 2020, President Aliyev blamed the destruction of the city not on his own military’s shelling operations, but rather on the Armenians who previously lived there stating, “*This is the true nature of Armenian vandals.*” He continued to call Armenians “*savages*” and “*aggressors*” for the alleged destruction of the region, to which, in fact, Azerbaijani forces had laid siege with the assistance of Turkey by way of Turkish special forces, logistical support, and Turkey’s recruitment of mercenaries from the Middle East and North Africa.¹²⁵ Additionally, during his visit to the “liberated” territories, President Aliyev described the Nagorno-Karabakh Conquest as a battle between good and evil, in which according to President Aliyev Armenians are the forces of “*evil.*” Such unnecessary and bellicose statements indicate the racist premise of his rhetoric and the racist ideology that underlie the Nagorno-Karabakh Conquest as a whole.¹²⁶
76. During his visit to the Aghdam district of Nagorno-Karabakh on 24 November 2020, President Aliyev congratulated the Azerbaijani military for capturing the region. In his address, he exclaimed how the Azerbaijani army crushed “*Armenian scum*” and “*vandals.*”¹²⁷

¹²⁴ See Victor A. Shnirelman, *The Value of the Past: Myths, Identity and Politics in Transcaucasia, Suita*, Japan 2001, pp. 26-27.

¹²⁵ The UN Working Group on Mercenaries confirmed Turkey’s recruitment of mercenaries and its introduction of such mercenaries into the Nagorno-Karabakh conflict zone. See United Nations Human Rights Office of the High Commissioner, “Mercenaries in and around the Nagorno-Karabakh Conflict Zone Must Be Withdrawn – UN Experts” (11 Nov. 2020), available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494.

¹²⁶ “President Ilham Aliyev and First Lady Mehriban Aliyeva visited liberated from occupation Fuzuli and Jabrayil districts, as well as Fuzuli and Jabrayil cities,” Azertac State Sponsored News Outlet (16 Nov. 2020), [https://azertag.az/en/xeber/President Ilham Aliyev and first lady Mehriban Aliyeva visited liberated from occupation Fuzuli and Jabrayil districts as well as Fuzuli and Jabrayil cities VIDEO-1643483](https://azertag.az/en/xeber/President+Ilham+Aliyev+and+first+lady+Mehriban+Aliyeva+visited+liberated+from+occupation+Fuzuli+and+Jabrayil+districts+as+well+as+Fuzuli+and+Jabrayil+cities+VIDEO-1643483).

¹²⁷ See *id.*; see also “President Ilham Aliyev and First Lady Mehriban Aliyeva visited liberated from occupation Aghdam city,” Azertac State Sponsored News Outlet (24 Nov. 2020),

77. On 25 November 2020, President Aliyev gave another national address during which he congratulated the people of Azerbaijan for the so-called “*liberation*” of the Kelbajar region. In this address, he noted how Azerbaijan has “*defeated Armenian fascism*” and called the Armenian civilians who previously lived there “*thieves*” and “*savages*.”¹²⁸

ii. Despite the cessation of hostilities, Azerbaijani forces continue to execute and mutilate civilians and POWs, as well as capture additional persons

78. Shortly after Armenia, Azerbaijan, and Russia announced the Trilateral Agreement, ten ethnic Armenians were captured by Azerbaijan on the highway connecting Goris (Armenia) and Shushi (Nagorno-Karabakh), and video imagery began circulating that showed their inhumane treatment.¹²⁹

79. Azerbaijan artificially complicates and protracts the process of exchanging POWs, thus intending to exacerbate the emotional burden on Armenian society, create an atmosphere of uncertainty, and cause mental suffering to the family members of the POWs.¹³⁰ Moreover, even with the ceasefire, Azerbaijan continues to capture additional POWs and civilians.¹³¹

80. Indeed, despite Azerbaijan’s state-sponsored public relations campaign that attempts to characterize Azerbaijan as a land of tolerance for racial minorities, almost immediately after the signing of the Trilateral Agreement and cessation of hostilities, numerous new videos emerged on Azerbaijani social media channels showing heinous acts committed by Azerbaijani forces towards ethnic Armenian civilians and POWs.¹³²

[https://azertag.az/en/xeber/President Ilham Aliyev and first lady Mehriban Aliyeva visited liberated from occupation Aghdam city VIDEO-1649187](https://azertag.az/en/xeber/President%20Ilham%20Aliyev%20and%20first%20lady%20Mehriban%20Aliyeva%20visited%20liberated%20from%20occupation%20Aghdam%20city%20VIDEO-1649187).

¹²⁸ “President Ilham Aliyev Addresses People,” Azertac State Sponsored News Outlet (25 Nov. 2020), [https://azertag.az/xeber/Azerbaijan Prezidenti Ilham Aliyev xalqa muraciet edib VIDEO-1650427](https://azertag.az/xeber/Azerbaijan%20Prezidenti%20Ilham%20Aliyev%20xalqa%20muraciet%20edib%20VIDEO-1650427).

¹²⁹ The Human Rights Ombudsman of Artsakh, Facebook (17 Nov. 2020), <https://www.facebook.com/ArtsakhOmbuds/posts/1720690424764779>; Statement by the Representative of Armenia before the ECHR, Facebook (16 Nov. 2020), <https://www.facebook.com/ECHRARM/posts/200723754894495> (“The Representative of Armenia before the European Court of Human Rights has filed a request to the European Court of Human Rights for an interim measure to prevent inhuman and degrading treatment as well as irreparable harm to lives of 10 civilians who were captured on their way from Goris to Shushi.”).

¹³⁰ Arman Tatoyan (Human Rights Defender of Armenia), Facebook (27 Nov. 2020), https://www.facebook.com/permalink.php?story_fbid=762514874347720&id=100017676420633.

¹³¹ See, e.g., ASB News / Military, Twitter (15 Dec. 2020), <https://twitter.com/ASBMilitary/status/1338899400874209284>.

¹³² The Human Rights Defender of Armenia and the Human Rights Ombudsman of Artsakh have written five reports on the atrocities committed by Azerbaijani armed forces against captured ethnic Armenians. They are currently

81. For example, days after the Trilateral Agreement, a video emerged showing Azerbaijani soldiers capturing an Armenian elderly man and subjecting him to inhumane treatment with cynicism.¹³³ It was later confirmed that the elderly man was a resident of Shushi, who was unable to leave the town before the Trilateral Agreement ceded Shushi to Azerbaijan and thus came under the control of Azerbaijani armed forces.¹³⁴ (Azerbaijani forces also committed similar inhumane treatment of civilians in the 2016 skirmishes, when they executed and cut off the ears of two elderly civilians in Talish, Armenia when the village was temporarily invaded by Azerbaijani forces.¹³⁵)
82. On 22 November 2020, a disturbing video was circulated on social media depicting a naked Armenian person, beheaded by Azerbaijani armed personnel. Judging by the still-active sense functions of the decapitated person, it can be understood that he had been decapitated while alive.¹³⁶ Since this video, various other videos have been circulated on social media, showing the apparent treatment of Armenian POWs and captured civilians long *after* the cessation of hostilities of the Nagorno-Karabakh Conquest.
83. On 3 December 2020, several new videos emerged, one showing an elderly Armenian man who is beaten by several Azerbaijani soldiers and whose nose is cut off.¹³⁷
84. In another video, also posted on 3 December 2020, a young man is pinned down by Azerbaijani forces. He struggles for his life as he is beheaded by Azerbaijani soldiers.¹³⁸ They then place his severed head

preparing a sixth report. See Arman Tatoyan (Human Rights Defender of Armenia), Twitter (5 Dec. 2020), <https://twitter.com/atatoyan/status/1335124205252321280>.

¹³³ Arman Tatoyan (Human Rights Defender of Armenia), Twitter (18 Nov. 2020) <https://twitter.com/atatoyan/status/1329141994359316482?s=20>.

¹³⁴ Ombudsman of Artsakh, Facebook (19 Nov. 2020), <https://www.facebook.com/100000847389707/videos/3730458263659050/>.

¹³⁵ “Azerbaijani Soldiers Execute Elderly Armenian Couple in Artsakh; Then Cut Off Their Ears,” Hetq (3 April 2016), <https://hetq.am/en/article/66976>.

¹³⁶ See Karabakh News Telegram (**Warning: Graphic Image Shown of Beheaded Person**), https://t.me/karabah_news/4335?fbclid=IwAR2X0fCKrLZbQyZpzmrvFT5dnAOtskrtS5xOeG9kD9MePvRLM-F9DNfzU2A.

¹³⁷ See 301 AD, Twitter (3 Dec. 2020), https://twitter.com/301_AD/status/1334608789748805634.

¹³⁸ The video of the beheading is available at <https://www.ragex.co/post/horrific-isis-acts-21> (**WARNING: GRAPHIC AND DISTURBING CONTENT**).

on the carcass of a dead animal. One of the men off camera says, “*This is how we get revenge – by cutting off heads.*”¹³⁹

85. In yet another video that began circulating on 3 December 2020, Azerbaijani forces behead an elderly civilian non-combatant. The victim was later identified as Genadi Petrosyan (age 69), who had moved to the village of Madatashen in the late 1980s after escaping the Sumgait pogrom.¹⁴⁰ He had reportedly refused to leave the village as Azerbaijani forces closed in.¹⁴¹
86. On 7 December 2020, a new video emerged on Azerbaijani social media showing an Azerbaijani Special Forces soldier pinning down and cutting the throat of an elderly Armenian man, who is earlier shown pleading for mercy in his captor’s language.¹⁴² The video ends as the Azerbaijani soldier starts to disconnect the man’s head from his body.¹⁴³
87. These and other video evidence demonstrate how racial hatred affects the treatment of ethnic Armenians who have fallen under the control of Azerbaijan and Azerbaijani soldiers during the Nagorno-Karabakh Conquest. As demonstrated by these videos, such treatment has been observed not only towards prisoners of war, but also towards civilians.
88. Azerbaijan’s actions since the Trilateral Agreement have made clear that ethnic Armenians cannot live safely in territories now under Azerbaijan’s *de facto* control. In this sense, the Committee’s statement, in relation to Israel, that a change in the demographic composition of the Occupied Palestinian Territory

¹³⁹ See Andrew Roth, “Two men beheaded in videos from Nagorno-Karabakh war identified,” The Guardian (15 Dec. 2020), <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>.

¹⁴⁰ See Andrew Roth, “Two men beheaded in videos from Nagorno-Karabakh war identified,” The Guardian (15 Dec. 2020), <https://www.theguardian.com/world/2020/dec/15/two-men-beheaded-in-videos-from-nagorno-karabakh-war-identified>.

¹⁴¹ See *id.*

¹⁴² Азербайджанские солдаты отрезали голову Армянскому старику, Telegram (7 Dec. 2020), https://t.me/kolorit_18/808 (WARNING: GRAPHIC AND DISTURBING CONTENT); “A Soldier Of The Azerbaijani Special Forces Beheads An Elderly Armenian Man In Occupied Artsakh,” Zartonk Media (7 Dec. 2020), <https://zartonkmedia.com/2020/12/07/a-soldier-of-the-azerbaijani-special-forces-beheads-an-elderly-armenian-man-in-occupied-artsakh/>.

¹⁴³ See *id.*

may constitute a violation of international humanitarian law and acts as an obstacle to peace and to the enjoyment of human rights in the region,¹⁴⁴ applies here.

89. Moreover, because these beheadings, tortures, and mutilations are directly linked to the ethnicity of the victims, they constitute Azerbaijan's violations of its obligations under the ICERD, specifically Article 2, Article 4(c), and Article 5(b).

iii. Already Azerbaijan has destroyed Armenian cultural heritage in the territories under Azerbaijan's de facto control and threatens more destruction and cultural erasure

90. Following the conclusion of the Trilateral Statement, members of the Azerbaijani armed forces have been observed destroying Armenian graves in the territories that fell under Azerbaijan's control after the Trilateral Statement of 10 November 2020,¹⁴⁵ as well as committing other acts of vandalism, in complete disregard for the dignity of the human person and in violation of their private life.¹⁴⁶ There is also evidence of Azerbaijani soldiers destroying, mockingly, the property of ethnic Armenians that fell under the Azerbaijani control.¹⁴⁷ Only days after the Trilateral Statement, the walls of the Holy Savior Ghazanchetsots Cathedral in Shushi (which had been targeted during the Nagorno-Karabakh Conquest) were defaced¹⁴⁸ and several of its statues destroyed.¹⁴⁹ (This cathedral had been destroyed

¹⁴⁴ Concluding observations of the Committee on the Elimination of Racial Discrimination Israel, CERD (30 Marc. 1998), CERD/C/304/Add.45 ¶ 10, available at <https://undocs.org/CERD/C/304/Add.45>.

¹⁴⁵ 301 AD, Twitter (26 Nov. 2020), https://twitter.com/301_AD/status/1331915067248488449?s=20 (“Azerbaijani soldiers vandalizing Armenian graves as soon as they took over Karvachar, posting it on Tik Tok.”); Karabakh Records, Twitter (26 Nov. 2020), <https://twitter.com/KarabakhRecords/status/1331961689730854912?s=20> (“Footage with pictures showing a memorial in Artsakh being destroyed by Azerbaijani soldiers. It is noteworthy that the soldiers post these materials themselves - proudly celebrating their acts of vandalism. #PeaceforArmenians.”).

¹⁴⁶ This amounts to a violation by Azerbaijan of its obligations under Article 5, in conjunction with Article 2, of the Convention (interpreted in accordance with [CERD General recommendation XX on article 5](#) ¶ 1).

¹⁴⁷ ASB News / Military, Twitter (18 Nov. 2020), <https://twitter.com/ASBMilitary/status/1329275211674476544?s=20>.

¹⁴⁸ “As Ghazanchetsots is Vandalized by Azeris, an Urgent Call to UNESCO to Protect Artsakh Religious Sites,” Azbarez (14 Nov. 2020), <https://asbarez.com/198472/as-ghazanchetsots-is-vandalized-by-azeris-an-urgent-call-to-unesco-to-protect-artsakh-religious-sites/>.

¹⁴⁹ Zartonk Media, Twitter (12 Nov. 2020), <https://twitter.com/ZartonkMedia/status/1327037563039666176/photo/1>.

during the 1920 massacre of Armenians in Shushi and was damaged again in the Nagorno-Karabakh war of the early 1990s.¹⁵⁰)

91. Moreover, Azerbaijan's anti-Armenian policies manifest in racially motivated attacks on tangible and intangible cultural heritage of Armenian origin, as well as cultural erasure. Such cultural erasure includes not only destroying Armenian cultural heritage but also removing elements of cultural sites that are Armenian and/or claiming that these sites were not Armenian at all. For example, in Shushi, which is now under Azerbaijan's *de facto* control, the Armenian cross and rounded, pointed dome (a key feature of Armenian church architecture) from the "Kanach Zham" ("Green Chapel") Armenian Church of St. John the Baptist were destroyed and removed.¹⁵¹ Azerbaijan also claims that this 19th century church is not Armenian but rather Russian Orthodox.¹⁵²
92. With respect to older Armenian cultural and religious heritage, including numerous monasteries dating from as early as the fourth century to as late as the thirteenth century, Azerbaijan promotes, on a statewide level, the unsubstantiated claim that Armenian cultural heritage is not Armenian at all but rather "Caucasian Albanian."¹⁵³ Indeed, Azerbaijan claims, without any substantiation, that about 400 churches in the "liberated" areas of the Karabakh region are Caucasian Albanian,¹⁵⁴ which is a group of tribes that no longer exists but lived in the Caucasus over one-thousand-years ago, at times alongside Armenians, and which Azerbaijan recently began to declare are proto-Azerbaijani.¹⁵⁵

¹⁵⁰ CivilNet.am, "Nagorno-Karabakh: Twelfth Day of War," YouTube (8 Oct. 2020), https://www.YouTube.com/watch?v=WnlnNaX07Rs&feature=emb_logo (showing the remains of the Ghazanchetsots Cathedral).

¹⁵¹ Artak Beglaryan (Ombudsman of Artsakh), Facebook (20 Nov. 2020), <https://www.facebook.com/artak.beglaryan/posts/3730959570275586>; ASB News / Military, Twitter (19 Nov. 2020), <https://twitter.com/ASBMilitary/status/1329512594953170951?s=20>; Sascha Duerkop, Twitter (20 Nov. 2020), <https://twitter.com/SaschaDuerkop/status/1329760278796513283>.

¹⁵² Sascha Duerkop, Twitter (20 Nov. 2020), <https://twitter.com/saschaduerkop/status/1329754063064489986>.

¹⁵³ In a public social media post on 11 November 2020, Anar Karimov, the First Deputy Minister for Culture of the Republic of Azerbaijan, misrepresents the history and founding of the Dadivank Cathedral. See Anar Karimov, Twitter (11 Nov. 2020), https://twitter.com/Anar_Karim/status/1326437397270310912?s=20; Hratch Tchilingirian, "Christianity in Karabakh: Azerbaijani Efforts At Rewriting History Are Not New," EVNReport <https://www.evnreport.com/spotlight-karabakh/christianity-in-karabakh-azerbaijani-efforts-at-rewriting-history-are-not-new>, 22 November 2020.

¹⁵⁴ Udi held a prayer service in Khudavend," Turan (6 Dec. 2020), <https://www.turan.az/ext/news/2020/12/free/Social/en/130610.htm>.

¹⁵⁵ Murtazali S. Gadjev, "The Writing of Caucasian Albania: Facts and Falsifications," *Selective Remembrances: Archaeology in the Construction, Commemoration, and Consecration of National Pasts*, University of Chicago Press 2008, p. 106; C.J.F. Dowsett, *The History of the Caucasian Albanians by Movsēs Dasxuranci*, London 1961, pp. 186-231.

93. In connection with this “Caucasian Albanian” falsehood, on 4 December 2020, Azerbaijan forced representatives of the Albanian-Udi community (which Azerbaijan claims are related to the “Caucasian Albanians,” though it is unclear whether the Udis believe this) to hold a prayer service in the Armenian apostolic Dadivank Monastery in the Kelbajar district, which had been ceded to Azerbaijan under the Trilateral Agreement.¹⁵⁶ The service was aimed at supporting the blatantly false allegation by Azerbaijan that the church does not have Armenian origins. It is necessary to mention that the Udi prayer service was perceived critically and criticized by members of the Azerbaijani diaspora as well.¹⁵⁷
94. Moreover, despite that Dadivank monastery has founding inscriptions dating to the 13th century, which are engraved in the Armenian alphabet, the Azerbaijani Ministry of Defense recently released a video showing numerous images of Dadivank’s cathedral but omitting its donor portraits and inscriptions, which are the most famous and recognizable features on the exterior of the cathedral.¹⁵⁸ Accordingly, one can presume that these elements of Armenian heritage face destruction and cultural erasure by Azerbaijan, as despite Azerbaijan’s claims that Armenian cultural heritage is exclusively “Caucasian Albanian” (proto-Azerbaijani), such claims have not stopped Azerbaijan from destroying cultural heritage that it labels as “Caucasian Albanian” elsewhere. Notably, in Azerbaijan’s exclave of Nakhchivan (Nakhichevan), Azerbaijan destroyed 89 Armenian churches and thousands of Armenian cross-stones (khachkars) in what was once the largest medieval Armenian cemetery in the world. Azerbaijan not only denies this destruction—which was captured on video and confirmed by satellite imagery—but denies that this Armenian cultural heritage ever existed at all.¹⁵⁹
95. Depending on the final demarcation of the line of contact, more cultural and religious objects, such as the Amaras Monastery (dating to the 4th century, which served as the first school to teach the Armenian language in the early 5th century), the “Tigranakert fortress” (dating to the 2nd century BC), and Tsitsernavank (a 5th century monastery), will come under Azerbaijani control and be at constant risk of the same cultural erasure, vandalism, and destruction seen in the exclave of Nakhichevan.

¹⁵⁶ “Udi held a prayer service in Khudavend,” Turan (6 Dec. 2020), <https://www.turan.az/ext/news/2020/12/free/Social/en/130610.htm>.

¹⁵⁷ Cavid, Twitter (5 Dec. 2020), <https://twitter.com/cavidaga/status/1335304912473903104?s=20>.

¹⁵⁸ Azərbaycan Respublikası Müdafiə Nazirliyi, “Kəlbəcər rayonunun Vəng kəndindən videogörüntülər,” YouTube (28 Nov. 2020), <https://www.youtube.com/watch?v=NordR65hxZI&feature=youtu.be>.

¹⁵⁹ Simon Maghakyan and Sarah Pickman, “A Regime Conceals Its Erasure of Indigenous Armenian Culture,” HyperAllergic (18 Feb. 2019), <https://hyperallergic.com/482353/a-regime-conceals-its-erasure-of-indigenous-armenian-culture/>.

iv. Azerbaijan and Turkey’s 10 December 2020 “Victory Parade” in Baku glorified violence, threatened genocide, and provided a platform for further anti-Armenian hate speech

96. On 10 December 2020, Azerbaijan and Turkey held a victory parade in Baku, Azerbaijan. The parade, which was attended by both countries’ presidents, showcased anti-Armenian sentiment, glorified violence, and alluded to yet another genocide of the Armenian people. Turkish President Erdoğan delivered remarks, stating: “*Azerbaijan’s saving its lands from occupation does not mean that the struggle is over. The struggle carried out in the political and military areas will continue from now on many other fronts.*”¹⁶⁰ He further added that “*Today is the day when the spirit of the martyrs of Karabakh, Enver Pasha and all the heroes of the entire Turkic world found peace*”— Enver Pasha being one of the principal architects of the 1915 Armenian Genocide.¹⁶¹ For his part, President Aliyev boasted that “[w]e proved that a military solution to the Karabakh conflict was possible” and alluded to a possible continuation of Azerbaijan’s military aggression, by claiming that territory not only in Nagorno-Karabakh but in the Republic of Armenia—including Zangezur, Sevan, and even Yerevan (the capital of Armenia)—are Azerbaijan’s “*historical lands.*”¹⁶² In addition to these remarks, during the “victory” parade, an Azerbaijani general made the symbol of the fascist, Turkish-ultra-national Grey Wolves.¹⁶³
97. Hate speech by government officials, at any level, should not be tolerated. More importantly, it should not be promulgated by heads of state. In his remarks at the military parade, President Aliyev employed hate speech at the highest levels, violating the majority of the ICERD, notably, Articles 2 (specifically 2b) and 4-7.
98. In addition to the remarks laid out in the paragraph above, President Aliyev likened the defeat of ethnic Armenians to the Allied Powers defeating the Nazis. He made frequent references to Armenian “fascism” in the speech, stating, “*If Armenian fascism ever raises its head again, the result will be the*

¹⁶⁰ “‘One nation, two states’ on display as Erdogan visits Azerbaijan for Karabakh victory parade,” France24 (10 Dec. 2020), <https://www.france24.com/en/asia-pacific/20201210-one-nation-two-states-on-display-as-erdogan-visits-azerbaijan-for-karabakh-victory-parade>.

¹⁶¹ “A Victory parade dedicated to Victory in the Patriotic War was held at the Azadlig Square, Baku,” (10 Dec. 2020), <https://en.president.az/articles/48788>; “Aliyev Sets His Sights on Zangezur and Yerevan, While Erdogan Hails ‘Caucasus Islamic Army,’” Asbarez (10 Dec. 2020, <https://asbarez.com/199101/aliyev-sets-his-sights-on-zangezur-and-yerevan-while-erdogan-hails-caucasus-islamic-army/>).

¹⁶² Siranush Ghazanchyan, “Aliyev lays claims on Armenian lands, hints at possible continuation of war,” Public Radio of Armenia (10 Dec. 2020), <https://en.armradio.am/2020/12/10/aliyev-lays-claims-on-armenian-lands-hints-at-possible-continuation-of-war/>.

¹⁶³ *See id.*

same. Again, Azerbaijan's iron fist will break their back." This kind of incitement to violence against a historically targeted ethnic minority group within one's borders is intolerable and in direct tension with the principles set out by the ICERD, namely that "each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations." Both President Aliyev and President Erdoğan's rhetoric sponsors, defends, and supports racial discrimination, and, sadly, such hate speech has often been the precursor to ethnic cleansing and genocide.

VI. Recommendations

99. The Armenian Bar Association respectfully requests that the Committee urge the Government of Azerbaijan to:

- i. End impunity for inflammatory language, especially by high-ranking government officials.
- ii. End impunity for hate crimes directed against ethnic Armenians, their property, and their natural environment.
- iii. Conduct effective investigation into each instance of hate crime committed against ethnic Armenians under the control of Azerbaijan (including the treatment of civilians, POWs, hostages, other detained persons, the bodies of the dead), as well as any such act attributable to Azerbaijan; bring to justice those responsible and impose appropriate sanctions against them, at the same time ensuring that law enforcement officials prosecute such hate crimes by applying the same standards, irrespective of the alleged perpetrator and the ethnicity of the victims.
- iv. Condemn any form of hate speech and xenophobic rhetoric against ethnic Armenians, take measures towards eliminating the Armenophobia, racism, and xenophobia in public discourse, strongly condemn all racist and xenophobic statements by public figures, political leaders, as well as media personalities, sportsmen and other influential individuals, call upon those responsible to ensure that their public statements do not contribute to incitement of racial hatred, and guarantee that instances of such hate speech are investigated and adequately punished.
- v. Implement effective and suitable measures for combating the proliferation of acts and manifestations of racism that target ethnic Armenians including through effective mechanisms to combat hate speech against ethnic Armenians disseminated on the Internet, educational campaigns on tolerance and the elimination of stereotypes, as well as proper registration, investigation, prosecution and conviction of perpetrators of hate speech, at all levels.
- vi. Take steps to prevent and eliminate persisting hostile attitudes on the part of the general public in Azerbaijan against ethnic Armenians, including through information campaigns and education, as well as monitor all tendencies which may give rise to Armenophobia and take adequate measures towards eliminating those tendencies.
- vii. Recommend that Azerbaijan develop a policy and implement appropriate and effective measures to combat the proliferation of acts and manifestations of racism that target cultural objects of Armenian origin, burial sites of ethnic Armenians and the properties of ethnic Armenians in the territories that have fallen under Azerbaijan's effective control following the signature of the trilateral statement of 10 November 2020.

- viii. Recommend that Azerbaijan refrain from violating the provisions of ICERD in the territories that have fallen under its effective control, and in this sense ensure the right to property, access to land, housing and natural resources of ethnic Armenians in those territories.