

INTERNATIONAL COURT OF JUSTICE

APPLICATION
INSTITUTING PROCEEDINGS

filed in the Registry of the Court
on 23 September 2021

APPLICATION
OF THE INTERNATIONAL CONVENTION
ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION

(AZERBAIJAN v. ARMENIA)

COUR INTERNATIONALE DE JUSTICE

REQUÊTE
INTRODUCTIVE D'INSTANCE

enregistrée au Greffe de la Cour
le 23 septembre 2021

APPLICATION
DE LA CONVENTION INTERNATIONALE
SUR L'ÉLIMINATION DE TOUTES LES FORMES
DE DISCRIMINATION RACIALE

(AZERBAÏDJAN c. ARMÉNIE)

2021
General List
No. 181

THE MINISTER OF FOREIGN AFFAIRS
OF THE REPUBLIC OF AZERBAIJAN TO THE REGISTRAR
OF THE INTERNATIONAL COURT OF JUSTICE

20 September 2021.

I have the honour to inform you that the Government of the Republic of Azerbaijan has appointed Elnur Mammadov, Deputy Minister of Foreign Affairs, as its Agent for the purpose of representing the Republic of Azerbaijan in proceedings against the Republic of Armenia before the International Court of Justice regarding the Republic of Armenia's interpretation and application of the International Convention on the Elimination of All Forms of Racial Discrimination.

Please also be informed that all communications relating to this case should be sent to the Embassy of the Republic of Azerbaijan in The Hague, the address of which is Andries Bickerweg 6, 2517 JP The Hague, Netherlands.

(Signed) Jeyhun BAYRAMOV.

THE AMBASSADOR OF THE REPUBLIC OF AZERBAIJAN
TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

23 September 2021.

I have the honour to enclose two originals and a soft copy of an Application from the Republic of Azerbaijan (“Azerbaijan”) instituting proceedings against the Republic of Armenia (“Armenia”) before the International Court of Justice concerning Armenia’s interpretation and application of the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”), as well as Azerbaijan’s Request for provisional measures in the same proceedings.

Azerbaijan respectfully requests that the following documents annexed to the Application and Request *not* be published on the Court’s website, or otherwise made available to anyone other than the Court and the Parties:

- Diplomatic correspondence and documents related to the Parties’ negotiations under CERD (Annexes 6-12, 16);
- Extracts from non-public files of the State Commission for Prisoners of War, Hostages and Missing Persons of Azerbaijan (Annexes 19-20);
- Non-public reports of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (Annexes 25-26).

I also enclose an instrument signed by H.E. Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan, appointing Elnur Mammadov, Deputy Minister of Foreign Affairs of the Republic of Azerbaijan, as the Agent of the Republic of Azerbaijan for the purposes of representing the Republic of Azerbaijan in these proceedings.

Azerbaijan respectfully asks that its Request for provisional measures be considered by the Court, and a hearing on it be scheduled, at the earliest possible opportunity. In accordance with Article 47 of the Rules of Court, Azerbaijan also requests that the Court direct that Azerbaijan’s Request be heard together with Armenia’s Request for provisional measures in the proceedings instituted by Armenia on 16 September 2021 against Azerbaijan. Common action in respect of the oral proceedings on provisional measures in these two cases will promote both judicial economy and the sound administration of justice. Each of the provisional measures Requests alleges discrete violations of CERD, but both involve the same Parties, seek urgent relief with regard to asserted violations of the same treaty, and arise out of overlapping facts and law concerning the formerly occupied territories. Joining the oral proceedings on the Parties’ respective Requests will allow the Court to address simultaneously the totality of the inter-related and contested issues raised by the Parties, as well as any common questions of law or fact¹.

(Signed) Fikrat AKHUNDOV.

¹ See Rules of Court, Article 47; *Certain Activities Carried Out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, Joinder of Proceedings, Order of 17 April 2013, I.C.J. Reports 2013, p. 166.

APPLICATION INSTITUTING PROCEEDINGS

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To the Registrar of the International Court of Justice, the undersigned, being duly authorized by the Republic of Azerbaijan (“Azerbaijan”), states as follows:

1. On behalf of Azerbaijan and pursuant to Article 40, paragraph 1, of the Statute of the Court (“Statute”) and Article 38 of the Rules of Court, I have the honour to submit to the Court the present Application instituting proceedings against the Republic of Armenia (“Armenia”). The Court has jurisdiction pursuant to Article 36 (1) of the Statute and Article 22 of the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”), which entered into force for Armenia on 23 July 1993 and for Azerbaijan on 15 September 1996.

I. PRELIMINARY STATEMENT

2. This Application concerns a legal dispute between Azerbaijan and Armenia regarding Armenia’s policy of ethnic cleansing and systematic violations of CERD directed against Azerbaijanis.

3. The Caucasus region is a complex tapestry of many different peoples, characterized by a multiplicity of ethnic groups and religious traditions. Azerbaijan, located at the boundary of Eastern Europe and Western Asia, is a proudly multi-ethnic State that encapsulates the diversity found throughout the Caucasus region. Azerbaijanis are the majority ethnic group in Azerbaijan, are predominantly Muslim, and speak the Azerbaijani language, which belongs to the Oghuz branch of the Turkic languages. While Azerbaijanis are the majority, Azerbaijan encompasses an array of other ethnic groups, including substantial numbers of Armenians, Russians, Ukrainians, Lezgis, Talyshs, Avars, Kurds, Jews and Tatars².

4. Armenia sits on the Western border of Azerbaijan. Armenians as an ethnic group constitute nearly all, or 98.1 per cent, of the country’s population³. They speak Armenian, a distinct branch of the Indo-European language family, and nearly all, or 94.7 per cent, of Armenians are Christian⁴.

5. This dispute arises because Armenia has engaged and is continuing to engage in a series of discriminatory acts against Azerbaijanis on the basis of their “national or ethnic” origin within the meaning of CERD⁵. Armenia’s policy and practice of anti-Azerbaijani discrimination is fueled by an ethno-nationalist movement to create a

² State Statistical Committee of the Republic of Azerbaijan, *Population of Azerbaijan* (2021), p. 21, available at <https://www.stat.go.az/source/demography/ap/?lang=en>. Armenians are the third largest ethnic group in Azerbaijan, the majority of who live in the former Nagorno-Karabakh Autonomous Oblast.

³ Population Census of the Republic of Armenia, *Ethnic Structure, Fluency in Languages and Religious Belief of De Jure Population* (2011), p. 586, available at https://armstat.am/file/article/1_bajin_5_583-664.pdf.

⁴ *Ibid.*, p. 635.

⁵ International Convention on the Elimination of All Forms of Racial Discrimination, United Nations, *Treaty Series (UNTS)*, Vol. 660, p. 195, 4 January 1969 (hereinafter “CERD”), Art. 1 (1). Save where the context indicates otherwise, the term “Azerbaijani” is used to refer to Azerbaijanis as an ethnic origin or national origin group and not in relation to nationality or citizenship.



Figure 1: Map of Azerbaijan in the Caucasus Region.

mono-ethnic State comprised exclusively of ethnic Armenians in Armenia and in portions of Azerbaijan's sovereign territory.

6. In support of that goal, Armenia engaged in a systematic practice of ethnic cleansing against Azerbaijanis in Armenia throughout the twentieth century, from 1918 to 1920, in the 1940s, and finally in the late 1980s. By 1989, Armenia had systematically expelled the more than 200,000 remaining Azerbaijanis from its territory⁶. The result of Armenia's conduct within its own borders is clear: through its campaign of ethnic cleansing, Armenia shifted from a nation that was 82.8 per cent ethnic Armenian and 10.2 per cent ethnic Azerbaijani in 1939 to 98.1 per cent ethnically Armenian with no documented Azerbaijanis in 2011⁷. Indeed, in recent years, Armenia has declared to the Committee on the Elimination of Racial Discrimination ("CERD Committee") that it is "a mono-ethnic State", and has been unable to report *any* statistics on Azerbaijanis remaining in Armenia⁸.

⁶ Letter dated 23 December 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/64/608 (24 December 2009), p. 2.

⁷ Annex 1, All-Union Population Census of 1939, Ethnic Make-up of the Population by the USSR Republic, Armenian SSR, available at https://web.archive.org/web/20110926213840/http://demoscope.ru/weekly/ssp/sng_nac_39.php?reg=6 (Certified Translation); Population Census of the Republic of Armenia, *Ethnic Structure, Fluency in Languages and Religious Belief of De Jure Population* (2011), p. 586, available at https://armstat.am/file/article/1_bajin_5_583-664.pdf.

⁸ CERD Committee, *Third and Fourth Periodic Reports of Armenia*, doc. CERD/C/372/Add.3 (13 May 2002), para. 5; *Concluding Observations of the Committee on the Elimination of*

7. Armenia did not stop at its own borders. The disintegration of the Soviet Union and withdrawal of Soviet forces from the Caucasus in the early 1990s opened the door to Armenia's calculated expansion into Azerbaijan's sovereign territory. At the end of 1991 and the beginning of 1992, Armenia unleashed full-scale war against Azerbaijan, violating Azerbaijan's territorial integrity through the use of force ("First Garabagh War") to capture Daghygh Garabagh (Nagorno-Karabakh) and surrounding districts. Armenia's launch of a war to ethnically cleanse and annex a portion of Azerbaijan's territory prompted the United Nations Security Council to issue resolutions demanding, *inter alia*, the "immediate withdrawal" of all occupying forces from Azerbaijan⁹.

8. The First Garabagh War lasted over three years, with a ceasefire in 1994 that largely ended the active hostilities. Throughout that brutal war, Armenia continued its practice of ethnic cleansing, expelling and murdering Azerbaijani civilians who resided in those territories, and destroying Azerbaijani cities, towns and cultural heritage. Armenia's aggression was preceded by a series of claims as to the "unification" of Armenia and Daghygh Garabagh or the latter's independence" from Azerbaijan¹⁰, and was driven by an ethno-nationalist ideology that glorified the "purity" of the Armenian nation, language and blood¹¹, and caricatured Azerbaijanis as enemy "Turks" or "nomads" with no distinct ethnicity¹².

9. By the time of the ceasefire in 1994, Armenia illegally occupied Daghygh Garabagh and the seven surrounding districts of Azerbaijan (the "Occupied Territories"),

Racial Discrimination, doc. CERD/C/ARM/CO/5-6 (4 April 2011), para. 10; *Summary Record of the 2524th Meeting*, doc. CERD/C/SR.2524 (2 May 2017), paras. 39, 43.

⁹ United Nations Security Council resolution 822 (1993); United Nations Security Council resolution 853 (1993); United Nations Security Council resolution 874 (1993); United Nations Security Council resolution 884 (1993).

¹⁰ See S. E. Cornell, *The Nagorno Karabakh Conflict*, Department of East European Studies, Uppsala University, Report No. 46 (1999), pp. 23-24, available at [https://is.muni.cz/el/fss/jaro2019/POL587/um/Cornell The Nagorno-Karabakh Conflict.pdf](https://is.muni.cz/el/fss/jaro2019/POL587/um/Cornell%20The%20Nagorno-Karabakh%20Conflict.pdf). In July 1988, the USSR Supreme Soviet confirmed that the NKAO would remain part of the Azerbaijan SSR, rejecting prior calls by the Supreme Soviet of the Armenian SSR to annex the NKAO. See Annex 2, T. de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York University Press, 2013), pp. 11-14, 62 (hereinafter "*Black Garden*"). See also Letter dated 30 September 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/64/475 (6 October 2009), paras. 83, 86-88.

¹¹ Annex 3, G. Nzhdeh, *Tribal Religion Movement*, available at http://www.hhk.am/files/library_pdfs/24.pdf (Certified Translation) ("Being a Tseghakron requires worshipping the blood of the race (root). In short, Tseghakron is against mixed marriages."). See also "Tseghakron — The Highest Value Is Nation", *Art-A-Tsolum* (17 December 2018), available at <https://allinnet.info/culture/tseghakron-the-highest-value-is-nation/>.

¹² See, e.g., K. Oskanian, "Perspectives/Stereotypes and Hatred Drive the Nagorno-Karabakh Conflict", *Eurasianet* (5 October 2020), available at <https://eurasianet.org/perspectives-stereotypes-and-hatred-drive-the-nagorno-karabakh-conflict> ("To Armenians, Azerbaijanis are 'Turks': nomadic Central Asian intruders into the region engaged in a millennium-long effort to drive them out through massacre and misrule. Inferences are made about a purported 'Turkish psychology' prone to such violent behavior; and Azerbaijanis are seen as unsophisticated, and lacking in indigenous culture. Their existence as a real ethnic group before 1918 — the founding of the first independent Azerbaijani republic — is denied.").

representing almost 20 per cent of Azerbaijan's territory¹³. Armenia's occupation went well beyond the limits of the former Nagorno-Karabakh Autonomous Oblast that was established within the western part of Azerbaijan under Soviet rule. By virtue of waging war, Armenia captured not only Daghylygh Garabagh, but also large swaths of the surrounding Azerbaijani territory that were populated predominately by Azerbaijanis.

10. All told, between 1987 and 1994, Armenia's policy and practice of ethnic cleansing resulted in the expulsion of nearly one million Azerbaijanis from territory it controlled, including more than 200,000 from Armenia and more than 700,000 from the Occupied Territories¹⁴. Many perished in tragic circumstances during outbreaks of Armenian State-sponsored and State-condoned violence against Azerbaijanis, and during armed conflict. This includes the massacre of over 600 Azerbaijani civilians in one day as they fled the town of Khojaly, which has been condemned internationally as an act of genocide¹⁵.

11. During its nearly thirty-year occupation, from 1994-2020, Armenia continued its discriminatory policies against Azerbaijanis throughout the Occupied Territories, which remained internationally recognized as Azerbaijan's sovereign territory. Specifically, Armenia prevented Azerbaijanis displaced by the First Garabagh War from returning home, deprived Azerbaijanis of their ability to access or otherwise enjoy essential natural resources and caused significant environmental damage to Azerbaijan's land and natural resources. Armenia simultaneously pursued an overarching policy of "cultural erasure" in the Occupied Territories in an effort to remove any trace of Azerbaijani ethnicity or traditions, by resettling Armenians in areas from which Azerbaijanis had been expelled, razing a number of Azerbaijani municipalities and renaming others with Armenian labels, looting and destroying Azerbaijani cultural heritage sites, and conducting propaganda campaigns denying and distorting Azerbaijani history, culture and ethnic identity.

12. In the long years of the occupation, various attempts for mediation were made, mostly through the Organization for Security and Co-operation in Europe ("OSCE") Minsk Process, including the possibility for the return of the Occupied Territories to Azerbaijan¹⁶.

13. Despite the international consensus that those territories are part of Azerbaijan, Armenia's intended result was to implant and foster a new Armenian reality on the ground. Prior to the First Garabagh War, the territories surrounding Daghylygh

¹³ The seven surrounding districts were comprised of Ağdam (Aghdam), Füzuli (Fuzuli), Qubadlı (Gubadly), Kəlbəcər (Kalbajar), Laçın (Lachin), Cəbrayıl (Jabrayil), and Zəngilan (Zangilan). Armenia also captured and illegally occupied Kərkî (Karki) in the Nakhchivan (Naxçıvan) Autonomous Republic of Azerbaijan; and Baqanis Ayrım (Baganys Ayrym), Xeyrimli (Kheyrimly), Aşağı Əskipara (Ashaghy Askipara), Bərxudarlı (Barkhudarly), Sofulu (Sofulu), Qızılhacılı (Gyzylyhalyly), Yuxarı Əskipara (Yukhary Askipara) in the Gazakh (Qazax) district of Azerbaijan.

¹⁴ See, e.g., United Nations General Assembly resolution 48/114, *Emergency International Assistance to Refugees and Displaced Persons in Azerbaijan*, UN doc. A/RES/48/114 (23 March 1994), p. 2.

¹⁵ See, e.g., Organisation of Islamic Cooperation, *Resolution No. 8/43-C on Affiliated Institutions*, 18-19 October 2016, para. 8 (describing the "mass massacre of Azerbaijani civilians perpetrated by the Armenian armed forces in the town of Khojaly" as a "genocidal act" and a "crime against humanity").

¹⁶ See Organization for Security and Co-operation in Europe Minsk Group (hereinafter "OSCE Minsk Group"), *Statement by the OSCE Minsk Group Co-Chair Countries* (10 July 2009).

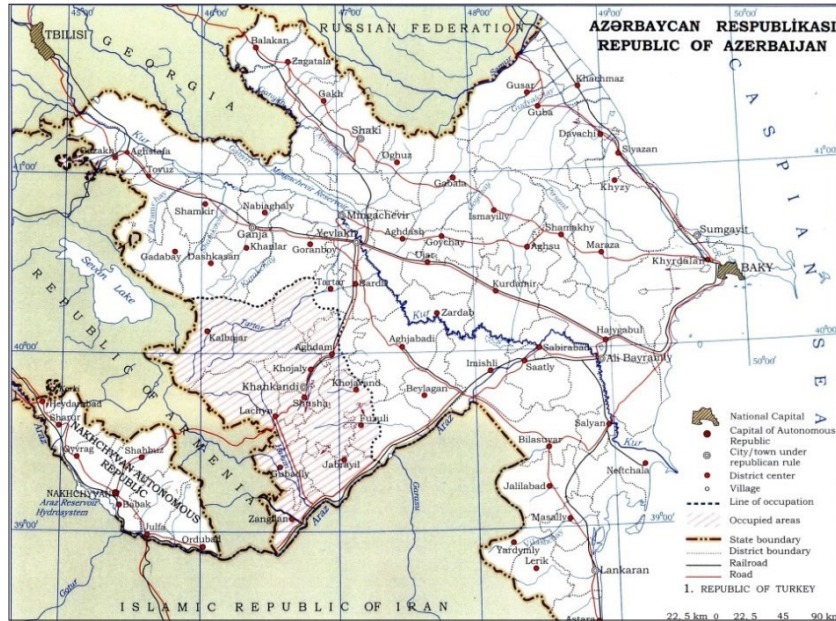


Figure 2: Map of Occupied Territories.

Garabagh had been 98 per cent Azerbaijani and only 0.1 per cent Armenian¹⁷. Armenia's ethnic cleansing campaign emptied the Occupied Territories of their Azerbaijani residents and actively encouraged "resettlement" by ethnic Armenians. Armenian leaders, including Armenian President Armen Sarkissian, openly "indicate[d] that they d[id] not plan to give these regions back, calling them 'liberated'" and encouraging almost 17,000 Armenians to settle there¹⁸. The OSCE Minsk Group Co-Chairs warned in 2005 that resettlement by Armenians "could lead to a *fait accompli* that would seriously complicate the peace process"¹⁹. Indeed, when Prime Minister Nikol Pashinyan traveled to Daghigh Garabagh in August 2019, he declared that "Artsakh is Armenia, and that is it!"²⁰, an unmistakable message of Armenia's intention to press forward with its occupation and annexation plans.

¹⁷ See Annex 4, USSR State Committee for Statistics, Results of the 1989 All-Union Population Census, Population Structure by Ethnicity, Native Language and Second Language of the USSR Peoples, Moscow 1989 (Certified Translation).

¹⁸ T. de Waal, "War Has Broken Out on the Edge of Europe. What's Behind It?", *The Guardian* (10 October 2020), available at <https://www.theguardian.com/commentisfree/2020/oct/10/war-edge-europe-nagorno-karabakh-conflict-armenia-azerbaijan>; Armen Sarkissian, President of the Republic of Armenia, *On the Inevitability of Building a Substantive State* (11 January 2021), available at <https://www.president.am/en/press-release/item/2021/01/11/President-Armen-Sarkissians-article>.

¹⁹ OSCE Minsk Group, Letter of the OSCE Minsk Group Co-Chairs to the OSCE Permanent Council on the OSCE Minsk Group Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh (NK) (17 March 2005), p. 3, available at https://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dsca20050413_11/dsca20050413_11en.pdf.

²⁰ M. Reynolds, "Confidence and Catastrophe: Armenia and the Second Nagorno-Karabakh War", *War on the Rocks* (11 January 2021), available at

14. In autumn 2020, this tinderbox once again erupted into war. After 44 days of fighting (the “Second Garabagh War”), Azerbaijan liberated the formerly Occupied Territories. During the course of that war, Armenia once again targeted Azerbaijanis for brutal treatment motivated by ethnic hatred and the policy and practice of ethnic cleansing that had long characterized Armenia’s conduct towards Azerbaijanis.

15. On 9 November 2020, the President of Azerbaijan, the President of Russia, and the Prime Minister of Armenia signed a statement (the “Trilateral Statement”), agreeing to end all hostilities starting at 00:00 hours Moscow time on 10 November 2020 and to chart a path forward²¹. The Trilateral Statement confirmed the liberation of the territories Azerbaijan had regained during the fighting and ensured the return of the Ağdam (Aghdam), Kəlbəcər (Kalbajar) and Laçın (Lachin) districts to Azerbaijan. Among other things, the Trilateral Statement also provided for: the withdrawal of Armenian troops, to take place concurrently with the deployment of the peacekeeping forces of the Russian Federation along the “Line of Contact” in Daghylygh Garabagh and along the “Lachin Corridor”; the return of internally displaced persons and refugees to the formerly Occupied Territories; the exchange of prisoners of war, hostages and other detained persons; and the unblocking of all economic and transport connections in the region.

16. Azerbaijan continues to assess the extent of the harm wrought by Armenia’s erasure of Azerbaijani heritage in the formerly Occupied Territories, but already has recorded that the vast majority of mosques and Islamic religious shrines have been destroyed, while the remaining mosques were significantly damaged and desecrated²². Azerbaijan also has documented the destruction of numerous libraries, museums, recreational venues, theatres, concert places, cultural parks, art galleries and musical schools in the formerly Occupied Territories, as well as the destruction of millions of books and rare manuscripts and the theft of thousands of historically significant museum exhibits²³. Further, the documented damage to the natural environment attributable to Armenia in those areas is obvious and tragic. This devastation reflects an irreparable loss to the environment and cultural heritage of Azerbaijan.

<https://warontherocks.com/2021/01/confidence-and-catastrophe-armenia-and-the-second-nagorno-karabakh-war/>. Armenia refers to the entity it established in the formerly occupied Daghylygh Garabagh region of Azerbaijan as either the “Nagorno-Karabakh Republic” (“NKR”) or the “Republic of Artsakh”. This self-proclaimed entity is unrecognized as a State, even by Armenia. “NKR” will be used hereafter, as appropriate, without prejudice to the status of the territory as an internationally recognized part of Azerbaijan and without exoneration of Armenia from its responsibility.

²¹ Annex to the Letter dated 10 November 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council, UN doc. S/2020/1104 (11 November 2020).

²² Letter dated 18 December 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/660 (22 December 2020), p. 6.

²³ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Damage to Cultural Heritage*, available at <https://mfa.gov.az/en/category/consequences-of-the-aggression-by-armenia-against-azerbaijan-en/damage-to-cultural-heritage-en>; T. Kuzio, “Mines, Karabakh and Armenia’s Crisis”, *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-ccrisis/>. See also the Citizens’ Labour Rights Protection League, *The Alternative Thematic Report to Seventh to Eleventh Periodic Reports of the Republic of Armenia Submitted to the Committee on the Elimination of Racial Discrimination* (2017), pp. 13-17, available at <https://www.ecoi.net/en/document/1407744.html>.

17. Currently, through both direct and indirect means, Armenia continues its policy of ethnic cleansing by preventing the more than 700,000 Azerbaijanis displaced from the formerly Occupied Territories from returning to their homes. Armenia refuses to provide comprehensive and accurate maps for the hundreds of thousands of landmines Armenia laid on Azerbaijan's territory and continues its operations to lay even more landmines on Azerbaijan's territory²⁴.

18. Further, Armenia incites hatred and ethnic violence against Azerbaijanis by engaging in hate speech and disseminating racist propaganda, including at the highest levels of its Government. For one example, former Armenian President (and recent candidate for Prime Minister) Robert Kocharian notoriously referred to what he called the "unpleasant" "fact" of "ethnic incompatibility" between Armenians and Azerbaijanis²⁵. Armenian officials also have promoted narratives of ethnic and cultural erasure in an effort to portray Azerbaijanis as subhuman, including that Azerbaijanis are "barbarians" or "rootless nomads" with no ethnic, historical or cultural ties to their lands, or "Turks" with no ethnic identity of their own²⁶. Indeed, earlier this year, the United States media company Twitter documented a disinformation cyber-operation sponsored by the Government of Armenia, resulting in Twitter removing 35 fraudulent accounts used to spread anti-Azerbaijani hatred²⁷.

19. Taken individually and collectively, Armenia's policies and conduct of ethnic cleansing, cultural erasure and fomenting of hatred against Azerbaijanis systematically infringe the rights and freedoms of Azerbaijanis, as well as Azerbaijan's own rights, in violation of CERD. Azerbaijan respectfully asks the Court to hold Armenia accountable for its violations and redress the harm thereby visited on Azerbaijan and its people.

20. This Application is divided into eight sections. Section II sets forth the legal and factual bases for this Court's jurisdiction under the Statute and CERD. Section III describes the facts underlying Azerbaijan's claims, including Armenia's campaigns of anti-Azerbaijani ethnic cleansing, cultural erasure, environmental depredation and hate speech and disinformation. Section IV explains how Armenia's widespread pattern of discriminatory conduct has repeatedly violated, and continues to violate, Articles 2, 3, 4, 5, 6 and 7 of CERD. Section V sets forth the relief Azerbaijan respectfully requests the Court to grant. Sections VI, VII and VIII communicates Azerbaijan's intention to exercise its right under the Statute and Rules of the Court

²⁴ See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Request for the indication of provisional measures (hereinafter "Request"), Sec. II. A.

²⁵ See, e.g., Annex 5, "Council of Europe Slams Armenian President's 'Ethnic Incompatibility' Remarks", *BBC* (31 January 2003) (quoting Kocharian as stating, "This is about ethnic incompatibility. It is certainly unpleasant for me to say this, but this is a fact.").

²⁶ See, e.g., C. Soloyan, "In Armenia, the Frontline Starts at School", *Open Democracy* (9 June 2017), available at <https://www.opendemocracy.net/en/odr/in-armenia-front-line-starts-at-school/>; The Citizens' Labour Rights Protection League, *The Alternative Thematic Report to Seventh to Eleventh Periodic Reports of the Republic of Armenia Submitted to the Committee on the Elimination of Racial Discrimination* (2017), p. 6, available at <https://www.ecoi.net/en/document/1407744.html>; Center of Analysis of International Relations, *Azerbaijanophobia in Armenia: Hostility in the Pre-War and Post-War Discourse of Armenians* (May 2021), p. 14, available at <https://aircenter.az/uploads/files/hate%20speech%20english.pdf>.

²⁷ Request, paras. 19-22.

to choose a judge *ad hoc*, contains Azerbaijan's reservation of rights and identifies the Agent appointed by Azerbaijan for these proceedings, respectively.

II. JURISDICTION OF THE COURT

A. Consent to Jurisdiction

21. The Court has jurisdiction over this dispute pursuant to Article 36 (1) of the Statute and Article 22 of CERD.

22. As Member States of the United Nations, Azerbaijan and Armenia are parties to the Statute. Article 36 of the Statute provides that the Court's jurisdiction comprises "all matters specially provided for . . . in treaties and conventions in force"²⁸. Azerbaijan and Armenia also are parties to CERD and neither has entered a reservation to Article 22 of CERD, which provides for the Court's jurisdiction:

"Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement."

23. A dispute has arisen between Azerbaijan and Armenia concerning the interpretation and application of CERD. The Parties' attempts to negotiate a settlement of Azerbaijan's claims over the last ten months have resulted in deadlock. Azerbaijan set out its position regarding Armenia's violations of CERD in a letter to Armenia dated 8 December 2020²⁹. Azerbaijan's claims have been and continue to be positively opposed by Armenia³⁰. There is therefore a "dispute" within the meaning of Article 22 of CERD and Article 36 of the Statute³¹.

²⁸ Statute of the International Court of Justice, Art. 36 (1).

²⁹ Annex 6, Letter from the Minister of Foreign Affairs of the Republic of Azerbaijan to the Minister of Foreign Affairs of the Republic of Armenia dated 8 December 2020.

³⁰ See, e.g., Annex 7, Letter from the Minister of Foreign Affairs of the Republic of Armenia to the Minister of Foreign Affairs of the Republic of Azerbaijan dated 22 December 2020; Annex 8, Note Verbale from the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva to the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva dated 10 September 2021, Ref. 2203/1415/2021.

³¹ *South West Africa (Ethiopia v. South Africa; Liberia v. South Africa)*, Preliminary Objections, Judgment, I.C.J. Reports 1962, p. 328 ("It must be shown that the claim of one party is positively opposed by the other"); *Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation)*, Provisional Measures, Order of 19 April 2017, I.C.J. Reports 2017, p. 115, para. 22 (a dispute arises where there are "clearly opposite views concerning the question of the performance or non-performance of certain treaty obligations"); *Mavrommatis Palestine Concessions*, Judgment No. 2, 1924, P.C.I.J., Series A, No. 2, p. 11 (a dispute is "a disagreement on a point of law or fact, a conflict of legal views or of interests between two persons").

B. The Preconditions for Seisin of the Court Have Been Met

24. Between December 2020 and September 2021, Azerbaijan and Armenia have exchanged over 40 notes and conducted eight rounds of negotiations in an attempt to settle Azerbaijan's claims concerning Armenia's violations of CERD.

25. Azerbaijan's 8 December 2020 letter specified the actions by which Armenia violated its obligations under CERD, and the Parties' correspondence documented the procedural modalities that were to govern the negotiations³². In addition to exchanges of correspondence, the Parties held face-to-face negotiations (via a virtual platform due to the COVID-19 pandemic) on several occasions between March and September 2021.

26. At all times during the negotiations, Azerbaijan genuinely attempted to engage with Armenia, hoping for a constructive dialogue that could lead to a negotiated resolution of the Parties' dispute³³. Instead of engaging with Azerbaijan in good faith, however, Armenia flatly rejected all of Azerbaijan's claims and requested remedies and refused to make any proposals or counter-proposals to narrow or resolve the issues in dispute. Further attempts to resort to negotiation or the procedures expressly provided for in CERD would be futile in light of Armenia's intransigence and its failure to engage meaningfully in the negotiations with any genuine desire to find a resolution. Azerbaijan, for its part, has therefore pursued the negotiation of its claims "as far as possible"³⁴.

III. THE FACTS

27. This section of the Application describes, in chronological order, the three principal phases of Armenia's anti-Azerbaijani campaigns:

- *First*, the First Garabagh War, in which Armenia, fueled by racist ideology, invaded Azerbaijan, captured a wide swath of sovereign Azerbaijani territory and conducted a systematic campaign of ethnic cleansing (1991-1994) (Part A);
- *Second*, the nearly 30 years of Armenian occupation, during which Armenia continued and expanded its policies and practices of ethnic cleansing, cultural

³² See, e.g., Annex 6, Letter from the Minister of Foreign Affairs of the Republic of Azerbaijan to the Minister of Foreign Affairs of the Republic of Armenia dated 8 December 2020; Annex 9, Letter from the Minister of Foreign Affairs of the Republic of Azerbaijan to the Minister of Foreign Affairs of the Republic of Armenia dated 17 February 2021; Annex 10, Response of the Delegation of the Republic of Azerbaijan concerning the Issues Discussed during the Meetings of 2-3 March 2021 dated 23 March 2021; Annex 11, Note Verbale from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva to the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva dated 3 May 2021, doc. 0181/27/21/25.

³³ See, e.g., Annex 12, Note Verbale from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva to the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva dated 2 September 2021, Ref. 0432/27/21/25.

³⁴ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates), Provisional Measures, Order of 23 July 2018, I.C.J. Reports 2018 (II)*, p. 420, para. 36.

erasure and other discriminatory measures directed against Azerbaijanis in the Occupied Territories (1994-2020) (Part B); and

- *Third*, the Second Garabagh War, during which Armenia further targeted Azerbaijanis for discriminatory treatment in the context of active hostilities (2020) (Part C).

Finally, the last section describes Armenia’s campaign of hate speech against Azerbaijanis taking place across all of these time periods, including its dissemination of hate speech at the highest levels, its inculcation in the Armenian population of notions of ethnic incompatibility premised on Azerbaijani inferiority, its support for hate groups and its ongoing efforts to fuel ethnic tensions and incite ethnic violence through disinformation operations on social media (Part D).

*A. Armenia’s Campaign of Ethnic Cleansing Directed against Azerbaijanis:
The First Garabagh War (1991-1994)*

28. For over 70 years, Armenia and Azerbaijan were part of the former Union of Soviet Socialist Republics as the Soviet Socialist Republic of Azerbaijan (“Azerbaijan SSR”) and the Soviet Socialist Republic of Armenia (“Armenian SSR”). Daghygh Garabagh (Nagorno-Karabakh)³⁵ is a mountainous area that historically has been part of Azerbaijan. Under Soviet rule, on 7 July 1923, the Nagorno-Karabakh Autonomous Oblast (“NKAO”) was established within the Azerbaijan SSR. Azerbaijan and Armenia became independent on 18 October 1991 and 21 September 1991, respectively.



Figure 3: The NKAO within the Azerbaijan SSR³⁶.

³⁵ The original name in the Azerbaijani language of what is called “Nagorno-Karabakh” or “Nagorny Karabakh” is “Dağlıq Qarabağ” (pronounced “Daghygh Garabagh”). “Nagorno” or “Nagorny” is a Russian word generally translated as “mountainous”.

³⁶ United States Central Intelligence Agency, 1975, available at <https://www.loc.gov/resource/g7141a.ct002688/>.

29. The independence of each State was recognized in accordance with international law within the boundaries that each had as SSRs. Azerbaijan's territory clearly included the NKAO.

30. After the demise of the Soviet Union, the leadership of newly independent Armenia was dominated by ethno-nationalists who had built popular support for the incorporation of the NKAO and Armenian SSR within a single, mono-ethnic Armenian State³⁷. Those aspirations did not disappear upon Armenian independence. Armenia's first political party, the Republican Party of Armenia (the "RPA"), was founded upon an ultranationalist doctrine — "Tseghakron", a term coined by combining the Armenian words for race and religion — which sought to unify all Armenians on the territories of their so-called historical homeland, and ensure the preservation of "the spiritual and physical features of the whole nation" and the "purity of Armenian blood"³⁸.

31. In late 1991, Armenian forces, armed with military-grade Soviet weaponry through the efforts of the RPA³⁹, began to invade the areas surrounding Xankəndi (Khankandi) in Azerbaijan. One target was Xocalı (Khojaly), a town with a population of approximately 7,000, the majority of whom were ethnic Azerbaijanis⁴⁰. In October 1991, Armenian forces blocked the only road out of Khojaly, leaving the town besieged and defended only by about 160 lightly armed Azerbaijani troops. On the night of 25 and 26 February 1992, following massive artillery bombardment, Armenian forces attacked the town, overwhelmed the few Azerbaijani troops, and triggered a mass exodus of the Azerbaijani civilians. The fleeing civilians attempted to leave through the only available corridor, across the mountainous Əsgəran (Asgaran) Gap towards the Azerbaijani city of Aghdam. By the morning, the group of civilians reached the valley near Aghdam and began to descend into open ground, only to have Armenian forces open fire on them.

32. The capture of Khojaly and attacks on its residents resulted in the massacre of 613 civilians, including 106 women, 63 children and 70 elderly persons; 1,275 Azerbaijani residents were taken hostage, and 150 Azerbaijanis remain missing to this day⁴¹. These acts elicited an international outcry, including condemnation as acts of genocide⁴², with the European Court of Human Rights ("ECtHR") later

³⁷ See Annex 2, *Black Garden*, p. 174.

³⁸ "Tseghakron — The Highest Value Is Nation", *Art-A-Tsolum* (17 December 2018), available at <https://allinnet.info/culture/tseghakron-the-highest-value-is-nation/>. See also Annex 3, Literary translation for the term "Tseghakron" (Certified Translation); The Republican Party of Armenia, *History of the Party*, available at <http://www.hhk.am/en/history/>.

³⁹ The Republican Party of Armenia, *History of the Party*, available at <http://www.hhk.am/en/history/> (stating that RPA members were "actively involved in the nationalization of the Soviet army weaponry and its transfer to the bordering areas of Armenia", and that the "party has had a crucial contribution to the work of the co-ordinating council of voluntary armed detachments").

⁴⁰ The Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Information about Khojaly Genocide*, available at <https://ombudsman.az/en/view/pages/163/>.

⁴¹ See Ministry of Foreign Affairs of the Republic of Azerbaijan, *Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the Occasion of the 29th Anniversary of the Khojaly Genocide* (26 February 2021), available at <https://rome.mfa.gov.az/index.php/en/news/5368/statement-of-the-ministry-of-foreign-affairs-of-the-republic-of-azerbaijan-on-the-occasion-of-the-29th-anniversary-of-the-khojaly-genocide>.

⁴² See, e.g., Organisation of Islamic Cooperation, *Resolution No. 8/43-C on Affiliated Institutions*, 18-19 October 2016, para. 8 (describing the "mass massacre of Azerbaijani civilians perpetrated by the Armenian armed forces in the town of Khojaly" as a "genocidal act" and a "crime against humanity").

concluding that the Khojaly massacre involved “acts of particular gravity which may amount to war crimes or crimes against humanity”⁴³.

33. In early May 1992, Armenian forces captured Suşa (Shusha), Azerbaijan’s historical and cultural capital, with a predominantly Azerbaijani population. The ethnic cleansing continued: the remaining Azerbaijani population of the city was expelled, 195 civilians were killed, 165 were wounded, and 58 persons went missing⁴⁴.

34. Following the seizure of Shusha, on 12 May 1992, the United Nations Security Council adopted its first presidential note in connection with the conflict, expressing deep concern about “recent reports on the deterioration of the situation relating to Nagorno-Karabakh[,] . . . violations of ceasefire agreements which have caused heavy losses of human life and widespread material damage, and . . . their consequences for the countries of the region”, and calling on “all concerned to take all steps necessary to bring the violence to an end”⁴⁵.

35. Public sources have described additional massacres of Azerbaijani civilians and disarmed soldiers by Armenian forces⁴⁶. By mid-1992, virtually all of the over 40,000 Azerbaijanis who had called Daghylygh Garabagh home had been expelled or killed, and by April 1993, Armenian forces occupied most of the territory of the former NKAO⁴⁷.

36. Armenia’s campaign to capture and “cleanse” territory continued outside of the former NKAO. As the ECtHR found, beginning in May 1992, Armenian forces focused on Lachin (the border district of Azerbaijan situated between Armenia and the former NKAO), with “[t]he district of Lachin, in particular the town of Lachin, [being] attacked many times”, including by “aerial bombardment” by “troops of both Nagorno-Karabakh and Armenia”⁴⁸. Following this direct artillery bombardment, including from within the territory of Armenia, Armenian forces forcibly expelled Lachin’s predominantly Azerbaijani population of more than 77,000 residents⁴⁹.

⁴³ *Fatullayev v. Azerbaijan*, App. No. 40984/07, European Court of Human Rights (First Section), 22 April 2010, para. 87.

⁴⁴ *Report on War Crimes in the Occupied Territories of the Republic of Azerbaijan and the Republic of Armenia’s Responsibility*, annex to Letter dated 3 February 2020 from the Permanent Representative of Azerbaijan addressed to the UN Secretary-General, UN doc. A/74/676-S/2020/90 (7 February 2020), para. 92.

⁴⁵ Note by the President of the United Nations Security Council, UN doc. S/23904 (12 May 1992).

⁴⁶ See, e.g., Annex 13, M. Melkonian, *My Brother’s Road: An American’s Fateful Journey to Armenia* (I. B. Tauris, 2008), p. 212; “Kalbajar Is a Rich Region Surrounded by Mountains”, *BBC News Azerbaijan* (25 November 2020), available at <https://www.bbc.com/azeri/azerbaijan-54950162>; Solidarity among Women Public Union and “Saglam Hayat” Mother and Child Care Public Union, *Report on the Deliberate Killing and Wounding of Women and Children and the Gross Violation of Their Rights as a Result of Military Aggression of Armenia against Azerbaijan* (2020), pp. 64-65, available at https://azertag.az/store/files/2021/APREL/04/Hesabat%202020%20eng_Layout%201.pdf.

⁴⁷ See Human Rights Watch/Helsinki, *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh* (December 1994), pp. 6-11, 99 (hereinafter “*Helsinki Report*”).

⁴⁸ *Chiragov and Others v. Armenia*, App. No. 13216/05, European Court of Human Rights (Grand Chamber), 16 June 2015, para. 19 (hereinafter “*Chiragov*”).

⁴⁹ Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/709-S/2021/39 (13 January 2021), p. 3.

37. By the end of 1992, two other presidential notes were adopted by the United Nations Security Council, likewise condemning the “heavy losses of human life and widespread material damage”⁵⁰. However, neither those measures within the Council nor the efforts of the then-Conference on Security and Co-operation in Europe (“CSCE”) prevented the intensification and expansion of Armenian attacks.

38. Between 27 March and 5 April 1993, Armenian forces seized the Kalbajar district to the west of the former NKAO, deliberately targeting Azerbaijani civilians, forcing the displacement of the Azerbaijani population and looting and destroying property⁵¹. Many Azerbaijani civilians were taken hostage, wounded, or killed. In the span of just one week, about 40,000 Azerbaijanis fled Kalbajar, creating a humanitarian catastrophe⁵²; ultimately, as Armenia consolidated its control over the district, over 90,000 Azerbaijanis were expelled⁵³.

39. On 23 July 1993 — the very day CERD went into effect for Armenia — Armenian forces captured, ethnically cleansed, looted, and destroyed the city of Aghdam, to the east of Daghylygh Garabagh⁵⁴. Armenian forces continued to advance, seizing new territories of Azerbaijan and killing more civilians in the captured areas, including in the Aghdam, Qubadlı (Gubadly), Cəbrayıl (Jabrayil), Füzuli (Fuzuli) and Zəngilan (Zangilan) districts from July to October 1993⁵⁵. Armenia’s by now well-established pattern of conduct continued: these districts were occupied, looted, destroyed, and ethnically cleansed, displacing approximately 500,000 individuals⁵⁶. An ICRC official present in the area at the time reported to Human Rights Watch that “Azeris are fighting on two fronts . . . According to our information, Armenians from Armenia have crossed the border and occupied some villages in Zangelan province.”⁵⁷

40. Amid this devastation, in 1993, the United Nations Security Council adopted a series of four resolutions. The first, on 30 April 1993, demanded the “immediate cessation of all hostilities”, as well as “immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan”⁵⁸. On 29 July 1993, the Security Council adopted a second resolution condemning “the seizure of the district of Agdam and all other recently occupied areas of the

⁵⁰ Note by the President of the United Nations Security Council, UN doc. S/24493 (26 August 1992); *ibid.*, UN doc. S/24721 (27 October 1992).

⁵¹ See e.g., *Helsinki Report*, pp. 12–26.

⁵² Annex 4, USSR State Committee for Statistics, Results of the 1989 All-Union Population Census, Population Structure by Ethnicity, Native Language and Second Language of the USSR Peoples, Moscow 1989 (Certified Translation).

⁵³ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Consequences of the Aggression of Armenia against Azerbaijan* (2019), available at <https://mfa.gov.az/files/shares/Aggression%20map%20ENG.jpg>.

⁵⁴ Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/709-S/2021/39 (13 January 2021), p. 4. See also *Helsinki Report*, pp. 19, 35, 48 (reporting that “[a] Western diplomat active in the OSCE Minsk Group talks said that the burning and looting of Agdam was not the result of undisciplined troops, but was a well-orchestrated plan organized by Karabakh authorities in Stepanakert”).

⁵⁵ Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/709-S/2021/39 (13 January 2021), p. 4. See also *Helsinki Report*, pp. 53, 56, 59, 79 (referring to “Karabakh Armenian offensives — often supported by the Republic of Armenia . . .”).

⁵⁶ Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/709-S/2021/39 (13 January 2021), p. 4.

⁵⁷ *Helsinki Report*, p. 56.

⁵⁸ United Nations Security Council resolution 822 (1993).

Azerbaijani Republic” as well as the “attacks on civilians and bombardments of inhabited areas”. This resolution demanded “the immediate cessation of all hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the district of Agdam and all other recently occupied areas of the Azerbaijani Republic”, and urged Armenia to “continue to exert its influence to achieve compliance by the Armenians of the Nagorny-Karabakh region of the Azerbaijani Republic” with these demands. The Security Council also reaffirmed “the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region” and “the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory”⁵⁹. These demands and directions were echoed in a subsequent presidential note⁶⁰ and two further Security Council resolutions, again calling on Armenia to “use its influence” to “ensure that the forces involved are not provided with the means to extend their military campaign further”⁶¹. Yet Armenia continued its attacks.

41. The CSCE Minsk Group also condemned Armenian offensives. On 27 July 1993, the Chairman of the CSCE Minsk Conference submitted a statement to the President of the Security Council, “strongly condemn[ing] the offensive on, and the reported seizure of, the Azerbaijani city of Agdam” and “ask[ing] for the immediate cessation of hostilities and for the withdrawal from the occupied territory”⁶². According to the statement, “[t]his unacceptable act occurred at the very moment when the nine [members of the Minsk Group] were meeting to prepare the final version of the ceasefire timetable”. On 26 October 1993, the Chairman of the CSCE Council reaffirmed that the “[a]cquisition of territory by force can never be condoned or accepted as a basis for territorial claims”⁶³. The Declaration of the Nine submitted to the President of the Security Council on 9 November 1993 by the CSCE Minsk Group was to the same effect: “The nine countries also condemn the looting, burning and destruction of villages and towns, which cannot be justified under any standards of civilized behaviour. No acquisition of territory by force can be recognized, and the occupation of territory cannot be used to obtain international recognition or to impose a change of legal status.”⁶⁴ In the report on her visit to the region in October 1993, the Chairperson-in-Office of the CSCE Council expressed particular concern at the “unacceptable scorched earth policy” practiced by Armenian forces⁶⁵.

⁵⁹ United Nations Security Council resolution 853 (1993).

⁶⁰ Note by the President of the United Nations Security Council, UN doc. S/26326 (18 August 1993).

⁶¹ United Nations Security Council resolution 874 (1993); United Nations Security Council resolution 884 (1993).

⁶² Report by the Chair of the CSCE Minsk Conference on Nagorny Karabakh to the President of the Security Council dated 27 July 1993 and Statement by the Chair of the CSCE Minsk Conference on the offensive on and reported seizure of the Azerbaijani city of Agdam, annex and appendix to Letter dated 28 July 1993 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council, UN doc. S/26184 (28 July 1993).

⁶³ Annex 14, Statement by the Chairman of the CSCE Council, CSCE Communication No. 284, Prague, 26 October 1993.

⁶⁴ Declaration of the Nine, enclosure I to Letter dated 9 November 1993 from the Permanent Representative of Italy to the United Nations addressed to the President of the Security Council, UN doc. S/26718 (10 November 1993).

⁶⁵ Annex 15, Report by the Chairman of the CSCE Council on her visit to the Transcaucasian participating States, CSCE Communication No. 301, Prague, 19 November 1993, p. 8 (“Equally troublesome is the unacceptable scorched earth policy practised by the military

42. As a result of the First Garabagh War, 3,890 Azerbaijanis have been registered as missing, including 719 civilians⁶⁶. Of those missing Azerbaijanis, 872 were taken either as prisoners of war or hostages, including 605 servicemen and 267 civilians⁶⁷. Human Rights Watch and other international NGOs documented repeated instances of horrific acts of torture of Azerbaijani civilians and prisoners of war by Armenian forces, describing regular beatings, starvation, mutilation, humiliation, rape and murder⁶⁸. Though the ICRC visited 54 detainees in Armenian custody after their capture, all were subsequently killed between 1993 and 1995. The bodies of only 17 of these 54 detainees were returned to Azerbaijan — 12 of whom had been held and killed on the territory of Armenia⁶⁹. Armenia refuses to clarify the whereabouts of the missing persons⁷⁰.

43. A ceasefire was established in May 1994 (the “1994 Ceasefire Accord”). The OSCE Minsk Group, co-chaired by Russia, France, and the United States, has attempted to mediate the conflict in the succeeding decades through the “Minsk Process”.

44. On 26 April 1995, the President of the United Nations Security Council reiterated “all [the Security Council’s] relevant resolutions, *inter alia*, on the principles of sovereignty and territorial integrity of all States in the region” and “the inadmissibility of the use of force for the acquisition of territory” and underscored “its request that the Secretary-General, the Chairman-in-Office of the OSCE and the Co-Chairmen of the OSCE Minsk Conference continue to report to the Council on the progress of the Minsk process and on the situation on the ground, in particular, on the implementation of its relevant resolutions and on present and future co-operation between the OSCE and the United Nations in this regard”⁷¹.

45. The Parties’ military positions as they were in May 1994 remained frozen and the line dividing them became known as the “Line of Contact”.

B. Armenia’s Campaign of Ethnic Cleansing Directed against Azerbaijanis: The Period of Occupation (1994-2020)

46. Between 1994 and 2020, while active hostilities were for the most part suspended, Armenia pursued a systematic policy of discrimination against Azerbaijanis in the Occupied Territories characterized by three components: a continuation of the ethnic cleansing by systematically preventing the return of displaced Azerbaijanis while simultaneously facilitating the “resettlement” of Armenians (Subsection 1);

forces of Nagorno Karabakh. I raised the latter problem and expressed my own views on this practice in unequivocal terms, both in discussions with representatives of Armenia and in my talks with the leadership of Nagorno Karabakh.”).

⁶⁶ See Letter dated 20 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/889-S/2021/488 (21 May 2021).

⁶⁷ See *ibid.*

⁶⁸ See, e.g., *Helsinki Report*, pp. 56-60, 91, 97; Human Rights Watch/Helsinki, *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh* (September 1992), pp. 23-28; Annex 25, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture against Azerbaijani Soldiers by the Armed Forces of Armenia* (July 2021).

⁶⁹ Letter dated 20 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/889-S/2021/488 (21 May 2021), p. 2.

⁷⁰ *Ibid.*

⁷¹ Statement by the President of the United Nations Security Council, UN doc. S/PRST/1995/21 (26 April 1995).

a campaign of cultural erasure by razing Azerbaijani cities and towns, and intentionally destroying or failing to prevent the destruction of markers and repositories of Azerbaijani history and culture (Subsection 2); and denying Azerbaijanis access to essential natural resources while pillaging Azerbaijan's natural resources and causing substantial environmental damage (Subsection 3).

1. Armenia systematically blocks the return of Azerbaijanis and encourages new settlement of Armenians

47. During the period following the First Garabagh War, Armenia's governing Republican Party accelerated its dissemination of "Tseghakron" ideology, unveiling a monument to the movement's founder, Garegin Nzhdeh, in Yerevan and including his teachings in school textbooks⁷².

48. To further execute its vision of a mono-ethnic State incorporating the Occupied Territories, Armenia sought to prevent and deter displaced Azerbaijanis from returning to their homes in Daghylygh Garabagh and the surrounding districts. Armenian forces stationed along the Line of Contact controlled the entry points into the Occupied Territories and actively blocked Azerbaijanis from returning. In what was called the "most militarised zone in the wider Europe", the eastern portions of the Line of Contact were lined by "World War I-style trenches" and heavy weaponry⁷³. The northern boundary was formed by the Murov mountain range, measuring 50 kilometres long and almost four kilometres high. The only land route through the Murov Mountains was the Omar Pass, controlled by Armenian forces⁷⁴. To the west and south were the Armenian and Iranian borders, respectively.

49. Throughout their nearly 30-year presence in the Occupied Territories, Armenian forces spread terror among the Azerbaijani population in neighbouring districts, and attacked and even killed Azerbaijanis residing along the Line of Contact⁷⁵. Between May 1994 and September 2020, at least 31 Azerbaijani civilians were killed and 69 injured during such attacks. Moreover, even if any Azerbaijanis were able to penetrate the Line of Contact, landmines laid by Armenian troops during and after the First Garabagh War effectively prevented Azerbaijanis from returning to their homes in the Occupied Territories — and continue to pose an acute threat

⁷² See, e.g., Center of Analysis of International Relations, *Azerbaijanophobia in Armenia: Hostility in the Pre-War and Post-War Discourse of Armenians* (May 2021), pp. 7-11.

⁷³ T. de Waal, "Nagorno-Karabakh's Cocktail of Conflict Explodes Again", *BBC News* (3 April 2016), available at <https://www.bbc.com/news/world-europe-35954969>; T. de Waal, "The Two NKs", *Carnegie Moscow Center* (24 July 2013), available at <https://carnegie.ru/commentary/52483>.

⁷⁴ International Crisis Group, *Nagorno-Karabakh: A Plan for Peace* (11 October 2005), p. 23, available at https://www.files.ethz.ch/isn/13730/167_nagorno_karabakh.pdf; Annex 16, Note Verbale from the Office of the Personal Representative of the Chairperson-in-Office on the Conflict Dealt with by the OSCE Minsk Conference to the Ministry of Foreign Affairs of the Republic of Azerbaijan dated 4 June 2015.

⁷⁵ See *Report on War Crimes in the Occupied Territories of the Republic of Azerbaijan and the Republic of Armenia's Responsibility*, annex to the Letter dated 3 February 2020 from the Permanent Representative of Azerbaijan addressed to the UN Secretary-General, UN doc. A/74/676-S/2020/90 (7 February 2020), paras. 110, 159.

today⁷⁶. Individuals were also unlawfully detained by Armenia for attempting to cross the Line of Contact⁷⁷.

50. Simultaneously, the Armenian authorities and the so-called “Republic of Nagorno-Karabakh” (“NKR”) sought to ensure that displaced Azerbaijanis had nothing left to return to in the Occupied Territories. “Laws” were enacted that purported to divest Azerbaijanis of their titles to land, allocated their property to new Armenian settlers and prohibited the return of Azerbaijanis unless they adopted “NKR citizenship”⁷⁸. Armenia has conceded these facts in international legal submissions. In the *Chiragov* case, for example, Armenia stated that the return of former Azerbaijani inhabitants of Lachin was “no longer a realistic expectation in 2002”, citing the fact that “the applicants’ alleged property had been allocated to other individuals, with their names recorded on the land register in accordance with the laws of the ‘NKR’”⁷⁹. These purported “NKR” “laws”, the validity of which the ECtHR rejected, supposedly extinguished the land rights of the applicants and any “other people who had fled the occupied territories”⁸⁰.

51. Through both direct and indirect means, Armenia thus systematically prevented the more than 700,000 displaced Azerbaijanis from returning to Daghylygh Garabagh and the surrounding districts⁸¹. As the ECtHR noted, during Armenia’s occupation, “it [was] not realistic, let alone possible, in practice for Azerbaijanis to return to these territories in the circumstances which have prevailed throughout this period and which include the continued presence of Armenian and Armenian-backed troops, ceasefire breaches on the Line of Contact, an overall hostile relationship between Armenia and Azerbaijan and no prospect of a political solution yet in sight”⁸².

52. Armenia’s ethnic cleansing campaign had emptied the Occupied Territories of their Azerbaijani occupants, and the Armenian and so-called “NKR” authorities actively encouraged “resettlement” by ethnic Armenians by offering housing and financial incentives⁸³.

⁷⁶ See, e.g., para. 84, below; Request, Sec. II. A. See also International Crisis Group, *Digging Out of Deadlock in Nagorno-Karabakh* (20 December 2019), p. 5.

⁷⁷ *Report on War Crimes in the Occupied Territories of the Republic of Azerbaijan and the Republic of Armenia’s Responsibility*, annex to the Letter dated 3 February 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/74/676-S/2020/90 (7 February 2020), para. 110; Parliamentary Assembly of the Council of Europe, *Escalation of Violence in Nagorno-Karabakh and the other Occupied Territories of Azerbaijan*, doc. 13930, Explanatory Memorandum by Mr. Walter, rapporteur (11 December 2015), paras. 41-42, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22255&lang=en>.

⁷⁸ See, e.g., “Stepanakert: Azerbaijani Refugees May Return by Accepting Nagorno-Karabakh Republic Citizenship”, *News.am* (15 March 2017), available at <https://news.am/eng/news/378792.html> (describing an interview with Davit Babayan in which he reportedly stated that “Azerbaijani refugees may return by accepting the citizenship of the Nagorno-Karabakh Republic”).

⁷⁹ *Chiragov*, para. 124.

⁸⁰ *Ibid.*, para. 148.

⁸¹ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Consequences of the Aggression of Armenia against Azerbaijan* (2019).

⁸² *Chiragov*, para. 195.

⁸³ See, e.g., International Crisis Group, *Nagorno-Karabakh: Viewing the Conflict from the Ground* (14 September 2005), p. 6 (“There are reports that Nagorno-Karabakh authorities provide incentives for [Armenian] IDPs from Azerbaijan to move to Nagorno-Karabakh — \$300 per

53. For example, in a 2019 press conference, Armenia's National Security Service Director Artur Vanetsyan explained that

“[t]he program that we call a resettlement program, in my and everyone's assessment will be the main guarantee of our country's [Armenia's] security . . . [W]e have no intention to give up an inch of land; on the contrary, our compatriots must settle on those lands and build our country.”⁸⁴

Armenian President Sarkissian confirmed this in 2021 when, in referring to the so-called “NKR”, he stated that one of the “real guarantees of Artsakh's development and strengthening” had been its “population growth”⁸⁵.

54. The push to increase the Armenian-only population saw rapid and significant results, including a 40 per cent increase in Kalbajar's population alone between 2005 and 2012⁸⁶, and a remarkable 165,000 per cent increase in the strategically important Lachin district, where the ethnic Armenian population jumped from only 3 residents in 1989 to between 5,000 and 8,000 by 2005⁸⁷. By 2019, the wider region bordering Armenia had 15,000 Armenian settlers⁸⁸.

55. To further the intentional erasure of Azerbaijani presence from the Occupied Territories, places that historically bore Azerbaijani names were given new Armenian labels⁸⁹. International Crisis Group reported in 2019 that “[s]ince 1995, *de facto* authorities have asserted different names for towns, villages and districts in [the territories surrounding Daghylygh Garabagh]⁹⁰. Some were picked from Armenian

person, \$600 per family, to buy cattle and agricultural inputs, as well as land and subsidised utilities. Yerevan's Department for Migration and Refugees and the (*de facto*) Nagorno-Karabakh Migration and Refugees Department are said to work closely together, allocating up to \$600,000 annually to build houses for settlers in Nagorno-Karabakh.”)

⁸⁴ A. Kasbarian, “‘Not an Inch of Land’: Vanetsyan's Statement a Welcome Sign for Artsakh”, *Armenian Weekly* (6 March 2019), available at <https://armenianweekly.com/2019/03/06/not-an-inch-of-land/>.

⁸⁵ President of the Republic of Armenia, *On the Inevitability of Building a Substantive State* (11 January 2021), available at <https://www.president.am/en/press-release/item/2021/01/11/President-Armen-Sarkissians-article/>.

⁸⁶ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Illegal Economic and other Activities in the Occupied Territories of Azerbaijan* (2016), p. 31, available at https://mfa.gov.az/files/shares/MFA%20Report%20on%20the%20occupied%20territories_March%202016.pdf. See also Russian-Armenian (Slavonic) University Research Team, “Repopulation in the Kashatagh and Shahumyan Regions”, *Depopulation Crisis in Armenia* (8 October 2013), p. 65, available at <http://ipp.am/wp-content/uploads/2018/01/Repopulation-in-Kashatagh-and-Shahumyan.-The-depopulation-crisis-in-Armenia.pdf>.

⁸⁷ See OSCE Minsk Group, 31 January-5 February 2005, *Report of the OSCE Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh (NK)* (April 2005), p. 29; Annex 4, USSR State Committee for Statistics, Results of the 1989 All-Union Population Census, Population Structure by Ethnicity, Native Language and Second Language of the USSR Peoples, Moscow 1989 (Certified Translation).

⁸⁸ See International Crisis Group, *Digging Out of Deadlock in Nagorno-Karabakh* (20 December 2019), p. 32.

⁸⁹ See, e.g., Letter dated 25 October 1996 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/C.3/51/9 (30 October 1996), p. 6 (“To erase from history the fact that Azerbaijanis had lived in Armenia, the names of some 2,000 towns and villages that formerly bore Azerbaijani names have been changed . . .”).

⁹⁰ This included Azerbaijani towns that had never been a part of the NKAO. “Lachin, Kubatly and Zangelan districts were merged into one administrative unit called Kashatagh. Zangelan was renamed Kavsakan, Kubatly to Sanasar. Kelbajar town was renamed Karvachar . . . Agdam merged with a new Askeran district and was renamed Akna. Fizuli became part of Martuni district and was renamed Varanda. Jebail district was merged with Hadrut and its main town renamed Jrakan.”

history books, while others correspond to the names of Armenian towns and villages in eastern Turkey under the Ottoman Empire”⁹¹. These names were chosen in an effort to draw historical parallels and to exploit and foment hatred towards “Turks”, a term that Armenians commonly use for Azerbaijanis in a derogatory manner. The OSCE fact-finding mission in 2010 commented that the local authorities “often claimed that they no longer knew the Azeri names of villages”⁹².

2. *Armenia intentionally destroys monuments and other markers of Azerbaijani history and culture in the Occupied Territories*

56. Despite the expulsion of the Azerbaijani population, at the end of the First Garabagh War powerful and tangible markers of Azerbaijani history and culture remained across the Occupied Territories, including mosques, libraries, and historical monuments, as well as the remnants of now-abandoned Azerbaijani towns and other civilian infrastructure. In the decades that followed, however, nearly all of these Azerbaijani markers were systematically destroyed, such that when Azerbaijan liberated the Occupied Territories in late 2020, these important Azerbaijani monuments and sites were largely unrecognizable.

57. Azerbaijani towns that had fallen to Armenian forces during the First Garabagh War were razed to the ground⁹³. The little that was left, including windows, pipes, wires and metal, was looted between 1994 and 2020. Towns in the previously predominantly Azerbaijani territories surrounding Daghylyh Garabagh, such as Fuzuli and Aghdam, were targeted for the worst destruction.

58. When an OSCE fact-finding mission visited the Occupied Territories in 2005, its final report described the scenes in Fuzuli, a once lively town of 17,090⁹⁴, as follows:

International Crisis Group, *Digging Out of Deadlock in Nagorno-Karabakh* (20 December 2019), n. 28; See also F. Ismayilov and V. Sadykhly, *Facts of Armenian Vandalism: Report on the Destruction by Armenians of Azerbaijani Religious, Historic and Cultural Monuments* (2020), pp. 193-195, available at https://azertag.az/store/files/2021/APREL/04/Hesabat%202020%20eng_Layout%201.pdf (hereinafter “*Armenian Vandalism Report*”).

⁹¹ International Crisis Group, *Digging Out of Deadlock in Nagorno-Karabakh* (20 December 2019), n. 16.

⁹² OSCE Minsk Group, 7-12 October 2010, *Report of the OSCE Minsk Group Co-Chairs’ Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh* (2011), p. 6.

⁹³ See, e.g., Annex to the Letter dated 12 February 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/62/691 (13 February 2008), p. 3 (“Analysis of the period of 13 years since the declaration of a ceasefire in 1994 reveals the fact that the Armenian military actions have not destroyed Azerbaijani monuments to the extent to which this was subsequently done by the Armenian authorities later.”).

⁹⁴ Annex 4, USSR State Committee for Statistics, Results of the 1989 All-Union Population Census, Population Structure by Ethnicity, Native Language and Second Language of the USSR Peoples, Moscow 1989 (Certified Translation).

“Fizuli town is now in total ruins and almost completely empty. The [fact-finding mission] entered the town along the main road, and continued on it, passing the center by without seeing any sign of settlement.

.....

All settlements before and beyond Fizuli town appeared to be totally destroyed, and there were no signs of life apart from a small number of very temporary structures seen from afar. For example, the village of Govshatly revealed no sign of settlement.”⁹⁵

59. Prior to its capture by Armenian forces in July 1993, the city of Aghdam had “as many as 70,000 inhabitants”⁹⁶. Although the city was almost completely destroyed in the Armenian attack, after the war ended “the destruction of the city continued as Armenians scavenged the ruins for anything usable”⁹⁷. As President Aliyev noted on 23 November 2020 in Aghdam, “[t]he whole city of Aghdam has been destroyed”, even including Azerbaijani cemeteries⁹⁸. Armenian forces excavated graves in the Martyr’s Alley in the Aghdam district in search of construction materials or to extract valuables such as gold teeth⁹⁹. The grave and commemorative complex of Natavan Khurshidbanu, a well-known nineteenth century Azerbaijani poet, was vandalized and partly destroyed¹⁰⁰. Figure 4 (p. 48) depicts a photograph taken by an international photographer documenting the ruins of the once-bustling Aghdam during a visit in 2011¹⁰¹.

60. Figure 5 (p. 48) depicts before and after photographs of the destruction of the Aghdam State Drama Theatre building and Farhad’s Statue.

⁹⁵ OSCE Minsk Group, 31 January-5 February 2005, *Report of the OSCE Fact-Finding Mission (FFM) to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh (NK)* (April 2005), pp. 7-8.

⁹⁶ OSCE Minsk Group, 7-12 October 2010, *Report of the OSCE Minsk Group Co-Chairs’ Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh* (2011), p. 6.

⁹⁷ P. Osterlund, “After the War: Touring Azerbaijan’s Reclaimed Territories”, *Eurasianet* (22 December 2020), available at <https://eurasianet.org/after-the-war-touring-azerbaijans-reclaimed-territories>.

⁹⁸ President of the Republic of Azerbaijan, *Ilham Aliyev and First Lady Mehriban Aliyeva Visited Liberated from Occupation Aghdam City* (23 November 2020), available at <https://en.president.az/articles/47685>. See also T. Kuzio, “Mines, Karabakh and Armenia’s crisis”, *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-crisis>.

⁹⁹ See, e.g., T. Kuzio, “Mines, Karabakh and Armenia’s Crisis”, *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-crisis>; “Armenia Destroyed Graves on Martyrs’ Alley in Azerbaijan’s Aghdam for Plundering”, *AzerNews* (1 May 2021), available at <https://www.azernews.az/nation/178566.html>.

¹⁰⁰ T. Kuzio, “Mines, Karabakh and Armenia’s Crisis”, *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-crisis>.

¹⁰¹ “No-Man’s-Land: Inside Azerbaijan’s Ghost City of Agdam before Its Recapture”, *Radio Free Europe/Radio Liberty* (25 November 2020), available at <https://www.rferl.org/a/inside-agdam-the-ghost-city-of-the-caucasus-after-1990s-conflict/30966555.html> (photographs by Stepan Lohr).



Figure 4: The ruins of Aghdam in 2011.



Before

After

Inventory number	Name of the monument	Date	Location
	Aghdam State Drama Theatre building and Farhad's Statue		Aghdam (city)

Figure 5: Aghdam State Drama Theatre and Farhad's Statue.

61. After a visit to Aghdam on 22 June 2021, United Nations High Representative for the Alliance of Civilizations, Miguel Angel Moratinos stated, “[n]othing is left. Everything is completely ruined. How can one witness such a situation in the 21st century?”¹⁰²

62. The evidence of Armenia’s campaign of cultural erasure that has now come to light since the end of Armenia’s occupation reveals shocking devastation. As Azerbaijan has recorded, “[m]ore than 700 historical monuments, 22 museums, including 100 000 museum exhibits, 927 libraries, [and] 58 archeological sites” were “destroyed, plundered or misappropriated by Armenia” in the Occupied Territories, and 4.6 million books and rare manuscripts were destroyed¹⁰³. This includes “[a]rtefacts and ancient manuscripts of [the] 13th century Khudavang monastery” complex located in the Kalbajar district, which were looted and “illegally transported to Armenia”¹⁰⁴, and the destruction of the Sari Ashiq Memorial Museum in Lachin (depicted in Figure 6), whose 200 objects were destroyed and plundered.



Figure 6: The Sari Ashiq Memorial Museum in Lachin.

¹⁰² President of the Republic of Azerbaijan, *Ilham Aliyev Received UN High Representative for Alliance of Civilizations* (23 June 2021), available at <https://en.president.az/articles/52233>.

¹⁰³ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Damage to Cultural Heritage*, available at <https://mfa.gov.az/en/category/consequences-of-the-aggression-by-armenia-against-azerbaijan/damage-to-cultural-heritage>. See also the Citizens’ Labour Rights Protection League, *The Alternative Thematic Report to Seventh to Eleventh Periodic Reports of the Republic of Armenia Submitted to the Committee on the Elimination of Racial Discrimination* (2017); T. Kuzio, “Mines, Karabakh and Armenia’s Crisis”, *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-ccrisis>.

¹⁰⁴ Ministry of Foreign Affairs of the Republic of Azerbaijan, No. 137/21, *Statement of the Ministry of Foreign Affairs of the Republic of Azerbaijan on 18 April — International Day for Monuments and Sites* (18 April 2021), available at <https://mfa.gov.az/en/news/7294/view>.

63. Azerbaijan's cultural heritage in Shusha, a city that played a paramount role as the cradle of Azerbaijani music and poetry, was looted and burned during the First Garabagh War and remains largely in ruins. Eyewitness accounts from Azerbaijani prisoners, who were forced to "tear down the Muslim gravestones in Shusha cemetery" while in captivity, stated that "[a]ll cemeteries in Shusha were destroyed" and that Armenians "wanted to destroy Shusha"¹⁰⁵.

64. Azerbaijani religious sites were also desecrated, their religious symbolism perverted through their use as stables or animal pens, and their remnants looted. Out of 67 mosques and Islamic religious shrines in the formerly Occupied Territories, 65 have been destroyed and 2 mosques were significantly damaged and desecrated¹⁰⁶. In one example, "Armenians kept cattle and pigs in the . . . prayer hall and utility rooms" of the Juma Mosque in Aghdam for over ten years¹⁰⁷. The mosque, an architectural masterpiece built in 1870 by Karbalayi Safi Khan Garabaghi, was largely destroyed when it was "set on fire a month after the Armenian occupation"¹⁰⁸, and its prayer room "was desecrated, demolished and gutted"¹⁰⁹. Further investigation of the interior of the mosque revealed "[h]umiliating and insulting expressions and words against the Azerbaijani people"¹¹⁰. Figures 7 and 8 (p. 54) depict the ruined state of the Juma Mosque in November 2020¹¹¹ and its use as an animal pen, respectively¹¹². Figure 9 (p. 56) depicts the destruction of the eighteenth century Mamar Mosque in Gubadly, which also was destroyed and used as a pigsty, a potent and symbolic anti-Muslim action intended as a particular insult to Azerbaijanis, who are a majority Muslim people¹¹³.

¹⁰⁵ Annex 19, State Commission for Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, *File on Novruzov Mirzali, Testimony of Mammadov Vugar Yavar oghly* (2014) (Certified Translation). See also Annex 20, State Commission for Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, *File on Ismayilov Ramazan, Testimony of Gafarov Rauf Shamshaddin oghly*, p. 8 (1994) (Certified Translation) ("They would take us to the Shusha cemetery to tear down the metal gates and gravestones. I did not see a single marble gravestone in Shusha cemetery. Almost all graves were dug and destroyed.").

¹⁰⁶ See, e.g., President of the Republic of Azerbaijan, *Ilham Aliyev's Statement Presented at 2nd OIC Summit on Science and Technology in a Video Format* (16 June 2021), available at <https://en.president.az/articles/52133> ("During 30 years of occupation, Armenia has deliberately destroyed all cultural and religious sites of Azerbaijan in the occupied territories. Out of 67 mosques in the territories which were under Armenian occupation, 65 have been razed to the ground and the remaining 2 have been severely damaged and desecrated.").

¹⁰⁷ *Armenian Vandalism Report*, p. 139.

¹⁰⁸ *Ibid.*, p. 138.

¹⁰⁹ See Annex 21, Atelier Erich Pummer GMBH, *The Juma Mosque in Agdam/Karabakh: Inspection and Report 2020* (January 2021), p. 3.

¹¹⁰ *Armenian Vandalism Report*, p. 138.

¹¹¹ "No-Man's-Land: Inside Azerbaijan's Ghost City of Agdam before Its Recapture", *Radio Free Europe/Radio Liberty* (25 November 2020), available at <https://www.rferl.org/a/inside-agdam-the-ghost-city-of-the-caucasus-after-1990s-conflict/30966555.html> (photographs by Stepan Lohr).

¹¹² *Armenian Vandalism Report*, p. 140.

¹¹³ Letter dated 4 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/872-S/2021/429 (6 May 2021), p. 19.



Figure 7: Remnants of the Juma Mosque, Aghdam.



Armenians have used the mosque as a stable for more than 10 years

Figure 8: Use of the Juma Mosque in Aghdam as an animal pen.



Figure 9: Eighteenth-century mosque in Mamar village, Gubadly used as a pigsty.

3. Armenia deprives Azerbaijanis of essential resources and pillages Azerbaijan's environment

65. Armenia's discriminatory policies against Azerbaijanis and their lands extended to the denial of essential resources to Azerbaijanis, as well as its exploitation of the natural resources, and depredation of the environment in the Occupied Territories. During its illegal occupation, Armenia denied Azerbaijanis access to "over 90 per cent" of the Sarsang Reservoir, intentionally depriving Azerbaijanis who lived in territory controlled by Azerbaijan downstream of the reservoir of potable drinking water¹¹⁴. A Parliamentary Assembly of the Council of Europe ("PACE") resolution from January 2016 confirmed that Armenia's

"deliberate creation of an artificial environmental crisis must be regarded as an 'environmental aggression' and seen as a hostile act by one State towards another aimed at creating environmental disaster areas and making normal life impossible for the population concerned"¹¹⁵,

and a memorandum by PACE rapporteur Milica Marković concluded that "[a]s a result of the Armenian occupation of the area in which the Sarsang reservoir is located, hundreds of thousands of [Azerbaijani] people living in this area have been deprived of quality drinking water"¹¹⁶.

66. During its occupation, Armenia also destroyed over 50,000 hectares of forests and exploited several varieties of rare trees¹¹⁷, with a particular focus on the territories

¹¹⁴ See Parliamentary Assembly of the Council of Europe, *Inhabitants of Frontier Regions of Azerbaijan Are Deliberately Deprived of Water*, doc. 13931, Explanatory Memorandum by Ms Marković, rapporteur (12 December 2015), para. 17, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22290>.

¹¹⁵ Parliamentary Assembly of the Council of Europe, Resolution 2085, *Inhabitants of Frontier Regions of Azerbaijan Are Deliberately Deprived of Water* (adopted 26 January 2016), available at <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22429&lang=en>.

¹¹⁶ Parliamentary Assembly of the Council of Europe, *Inhabitants of Frontier Regions of Azerbaijan Are Deliberately Deprived of Water*, doc. 13931, Explanatory Memorandum by Ms Marković, rapporteur (12 December 2015), para. 10, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22290>.

¹¹⁷ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Illegal Economic and other Activities in the Occupied Territories of Azerbaijan* (2016), pp. 82-83. See also AzerCosmos OJSCo and Ministry of Foreign Affairs of the Republic of Azerbaijan, *Illegal Activities in the Territories of Azerbaijan under Armenia's Occupation: Evidence from Satellite Imagery* (2019), p. 88, available at <https://mfa.gov.az/files/shares/Azercosmos.pdf>.

surrounding Daghygh Garabagh previously inhabited mostly by Azerbaijanis, in order to increase Armenia's "furniture, barrel and rifle production" and exports¹¹⁸. International organizations have called this systematic plunder of natural resources, to the detriment of Azerbaijanis and for Armenia's own economic gain, an "irrational use of land"¹¹⁹.

67. Armenia is also responsible for allowing the widespread destruction of land in the Occupied Territories through fires that have "resulted in environmental and economic damages and threatened human health and security"¹²⁰. A United Nations General Assembly resolution passed in September 2006 expressed concern at "the fires in the affected territories, which have inflicted widespread environmental damage"¹²¹. The destruction has continued in more recent years; in 2018, widespread fires in the Fuzuli and Jabrayil districts severely damaged the villages of Xələfli (Khalafly), Xubyarlı (Khybyarli), Kürdlər (Kurds) and Qərər (Qarar)¹²².

68. Armenia's environmental destruction in the Occupied Territories has even threatened the habitat of flora deeply linked to Azerbaijani heritage. In one notable example, the Xarı Bülbül (Khari Bulbul), a flower representing peace for the Azerbaijani people and the official Azerbaijani flower of Daghygh Garabagh, has now become threatened by extinction as a result of the environmental damage committed and condoned by Armenia¹²³.

C. Armenia's Campaign of Ethnic Cleansing Directed against Azerbaijanis: The Second Garabagh War (2020)

69. The ethno-nationalist "Tseghakron" ideology continued to exert significant influence in Armenia, with RPA chairs Andranik Margaryan and Serzh Sargsyan serving consecutive terms as Prime Minister of Armenia from 2000 to 2018. Even under new leadership in 2018, Armenia advanced a hardline position that rejected any possibility of returning the Occupied Territories to Azerbaijan.

¹¹⁸ Ministry of Foreign Affairs of the Republic of Azerbaijan, *Illegal Economic and other Activities in the Occupied Territories of Azerbaijan* (2016), p. 83.

¹¹⁹ United Nations Development Programme, United Nations Environment Programme and OSCE, *The Case of the Southern Caucasus: Environment and Security, Transforming Risks into Co-operation* (2004), p. 27, available at https://gridarendal-website-live.s3.amazonaws.com/production/documents/s_document/324/original/envsec_transforming_risk_en.pdf?1490363117.

¹²⁰ Annex to the Letter dated 20 December 2006 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General, *OSCE-Led Environmental Assessment Mission to Fire-Affected Territories in and around the Nagorno-Karabakh Region*, UN doc. A/61/696 (12 January 2007), p. 2, available at <https://undocs.org/A/61/696>.

¹²¹ United Nations General Assembly resolution 60/285, *The Situation in the Occupied Territories of Azerbaijan* (15 September 2006), available at <https://undocs.org/en/A/RES/60/285>.

¹²² AzerCosmos OJSCo and Ministry of Foreign Affairs of the Republic of Azerbaijan, *Illegal Activities in the Territories of Azerbaijan under Armenia's Occupation: Evidence from Satellite Imagery* (2019), pp. 90-91.

¹²³ Republic of Azerbaijan, *The Sixth National Report of the Republic of Azerbaijan on the Conservation of Biological Diversity* (2019), pp. 74-75, available at <https://cbd.int/doc/nr/nr-06/az-nr-06-en.pdf> (referring to the Khari Bulbul, or *Ophrys caucasica*, as one of several "rare and endangered species of plants . . . [that] are kept in the Central Botanical Garden of the ANAS for the purpose of introduction"); "Karabakh's Kari Bulbul Presented in US", *AzerNews* (19 March 2014), available at <https://www.azernews.az/culture/65408.html>.

70. To the contrary, Armenia began to seek to expand its territorial holdings even more. In March 2019, then-Armenian Defense Minister David Tonoyan announced that Armenia's policy was no longer "land for peace" but "war for new territories"¹²⁴. Thus supported by the highest levels of the Armenian Government, Armenian forces targeted Azerbaijani civilian settlements in the direction of the Tovuz district — located in northwest Azerbaijan, approximately 100 miles from Daghygh Garabagh — in July of 2020, killing one civilian and 12 servicemen, and damaging homes, farms, and other civilian infrastructure¹²⁵. One month later, in August 2020, a sabotage-reconnaissance group of the Armenian armed forces attempted to provoke Azerbaijani forces in Goranboy district¹²⁶. As a result of such provocations, on 27 September 2020, heavy fire erupted along the Line of Contact and in the Occupied Territories.

71. After 44 days of fighting in the Second Garabagh War, the President of Azerbaijan, the President of Russia, and the Prime Minister of Armenia signed the Trilateral Statement, which entered into effect on 10 November 2020¹²⁷. The Trilateral Statement preserved Azerbaijan's liberation of the Gubadly, Jabrayil, Fuzuli and Zangilan districts, as well as territory in the north and south of Daghygh Garabagh, and provided for the return of the Aghdam, Kalbajar, and Lachin districts to Azerbaijan, liberating Azerbaijani lands after almost three decades. In addition to ending the hostilities, the Trilateral Statement also provided for: the withdrawal of Armenian troops and deployment of the peacekeeping forces of the Russian Federation along the "Line of Contact" in Daghygh Garabagh and along the "Lachin Corridor"; the return of internally displaced persons and refugees to the formerly Occupied Territories; the exchange of prisoners of war, hostages and other detained persons; and the unblocking of all economic and transport connections in the region.

72. Armenia's discriminatory policies and practices of ethnic cleansing and cultural erasure in the First Garabagh War and during the period of occupation continued through the Second Garabagh War, as shown in its purposeful targeting of Azerbaijani civilians far from the conflict zone, its torture and killing of Azerbaijani servicemen and civilian detainees, and its deliberate and extensive destruction of Azerbaijani lands and cultural heritage sites.

1. Armenia deliberately commits war crimes motivated by ethnic hatred

73. The frequency and timing of Armenia's attacks during the Second Garabagh War, as well as their deliberate targeting of civilian infrastructure, homes, and schools, demonstrate Armenia's intent to terrorize and kill Azerbaijani civilians. In 2014,

¹²⁴ M. Reynolds, "Confidence and Catastrophe: Armenia and the Second Nagorno-Karabakh War", *War on the Rocks* (11 January 2021), available at <https://warontherocks.com/2021/01/confidence-and-catastrophe-armenia-and-the-second-nagorno-karabakh-war>.

¹²⁵ See the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *The Second Interim Report of the Commissioner for Human Rights (Ombudsperson) of the Republic of Azerbaijan* (12-24 July 2020), available at https://ombudsman.az/upload/editor/files/Ombudsperson_Azerbaijan_Second_Interim_Report.pdf; International Crisis Group, *Preventing a Bloody Harvest on the Armenia-Azerbaijan State Border* (24 July 2020), p. 3, available at <https://d2071andvip0wj.cloudfront.net/259-preventing-a-bloody-harvest.pdf>.

¹²⁶ Ministry of Defense of the Republic of Azerbaijan, *The Commander of the Sabotage-Reconnaissance Group of the Armed Forces of Armenia Taken Prisoner* (23 August 2020), available at <https://mod.gov.az/en/news/the-commander-of-the-sabotage-reconnaissance-group-of-the-armed-forces-of-armenia-taken-prisoner-31949.html>.

¹²⁷ Annex to the Letter dated 10 November 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council, UN doc. S/2020/1104 (11 November 2020).

Armenian President Serzh Sargsyan deliberately invoked past systematic destruction in the Occupied Territories, threatening to hit major cities and civilian infrastructure in Azerbaijan with ballistic missiles, and stating “[Azerbaijan is] very well aware that we have ballistic missiles with an effective range of over 300 km, and that they are capable of turning into ruins any flourishing settlement in a glimpse, like the ruins of Aghdam”¹²⁸.

74. There can be no military necessity justifying such attacks; rather, as contemporaneous statements by Armenian and so-called “NKR” representatives confirm, such unlawful use of disproportionate force is motivated by ethnic hatred. On 5 October 2020, for example, Vagram Poghosyan, the spokesman for the “President” of the so-called “NKR”, again invoked past devastation and indicated an intent to entirely eradicate Azerbaijani municipalities regardless of military objectives, when he wrote on his Facebook page that “[a] few more days and I am afraid that even archaeologists will not be able to find the place of Ganja”¹²⁹. Gəncə (Ganja) is the second largest city in Azerbaijan, located 60 kilometres from the front line, far away from the fighting or any legitimate military target. On 6 October 2020, Vagharshak Harutyunyan — then-chief adviser to Armenian Prime Minister Pashinyan and later the Armenian Minister of Defense — was widely reported as stating that Armenian forces were deliberately attacking Azerbaijani civilian areas to “sow panic”¹³⁰. And on 15 October 2020, David Babayan — then a foreign affairs adviser to the “President”, and now “Foreign Minister” of the so-called “NKR” — further explained this deliberate targeting of Azerbaijani civilians on the basis of ethnicity by asserting that Azerbaijanis were “not human”, adding, “them having some kind of faith, morals is just inappropriate . . . we will crush their backbone”¹³¹.

75. In the days before and after these admissions, Armenian forces launched numerous attacks on Azerbaijani cities far removed from the theatre of active hostilities. For example, Armenia attacked Bərdə (Barda), one of the largest cities in Azerbaijan with a population of 40,000, located more than 30 kilometres from the front line. Armenian shelling in and around Barda in October 2020 killed 27 Azerbaijani

¹²⁸ President of the Republic of Armenia, *President Serzh Sargsyan's Interview to Armnews TV* (11 August 2014), available at www.president.am/en/interviews-and-press-conferences/item/2014/08/11/President-Serzh-Sargsyan-interview-Armnews-Sochi/.

¹²⁹ “A Few More Days and Even Archaeologists Will Not Be Able to Find the Place of Ganja, Poghosyan”, *I News* (5 October 2020), available at <https://www.1lurer.am/en/2020/10/05/A-few-more-days-and-evenarchaeologists-will-not-be-able-to-find-the-place-of-Ganja-Poghosyan/328058>.

¹³⁰ Annex 22, “Exchange of Blows: Baku Remembered the Rules of War and Invited Turkey to a Settlement in Karabakh”, *Vesti* (5 October 2020), available at <https://www.vesti.ru/article/2467934> (Certified Translation). See also J. Bugajski and M. Assenova, “Washington Can Initiate Peace in the South Caucasus”, *The Hill* (9 October 2020), available at <https://thehill.com/opinion/international/520382-washington-can-initiate-peace-in-the-south-caucasus>; K. Nag, “Armenia Needs to Withdraw for Lasting Peace in Nagorno-Karabakh”, *International Policy Digest* (19 October 2020), available at <https://intpolicydigest.org/armenia-needs-to-withdraw-for-lasting-peace-in-nagorno-karabakh/>; OSCE, *1286th Plenary Meeting of the Council, Statement by the Delegation of Azerbaijan*, doc. PC.JOUR/1286 (22 October 2020), available at <https://www.osce.org/files/f/documents/1/3/469665.pdf>.

¹³¹ Annex 23, “David Babayan: ‘In Hostilities, Artsakhs Are Facing Subhumans’”, *Public Radio of Armenia* (15 October 2020), available at <https://ru.armradio.am/2020/10/15/давид-бабаян-против-арцахцев-воюют-и> (Certified Translation).

civilians, including a toddler, and wounded 105 Azerbaijanis in total¹³². Speaking in the aftermath of the attacks, United Nations High Commissioner for Human Rights Michelle Bachelet “expressed alarm” at the indiscriminate attacks on Barda and warned they “may amount to war crimes”¹³³. The Regional Director for Eastern Europe and Central Asia at Amnesty International also said, “[t]he firing of cluster munitions into civilian areas is cruel and reckless, and causes untold death, injury and misery”¹³⁴. Similarly, Belkis Wille, Senior Crisis and Conflict Researcher at Human Rights Watch, said, “using [cluster munitions] in a city center shows flagrant disregard for civilian life and international law”¹³⁵. Human Rights Watch also documented 11 separate incidents in which Armenian forces

“used ballistic missiles, unguided artillery rockets, and large-caliber artillery projectiles that hit populated areas in apparent indiscriminate attacks. In at least four other cases, munitions struck civilians or civilian objects in areas where there were no apparent military targets.”¹³⁶



Figure 10: Barda resident kisses hand of brother who died from Armenian rocket strikes¹³⁷.

¹³² Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report concerning the Factual Evidences of Extensive Civilian Casualties and Damage to Civilian Objects in Barda City Caused by the Ballistic Missiles Launched by Armenian Armed Forces* (2020), p. 5, available at https://ombudsman.az/upload/editor/files/Report of the Ombudsman on Barda_27-28 October_2020.pdf.

¹³³ United Nations Office of the High Commissioner for Human Rights, *Nagorno-Karabakh Conflict: Bachelet Warns of Possible War Crimes as Attacks Continue in Populated Areas* (2 November 2020), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464&LangID=E>.

¹³⁴ Amnesty International, *Armenia/Azerbaijan: First Confirmed Use of Cluster Munitions by Armenia “Cruel and Reckless”* (29 October 2020), <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/>.

¹³⁵ Human Rights Watch, *Armenia: Cluster Munitions Kill Civilians in Azerbaijan* (30 October 2020), available at <https://www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan#>.

¹³⁶ Human Rights Watch, *Armenia: Unlawful Rocket, Missile Strikes on Azerbaijan* (11 December 2020), available at <https://www.hrw.org/news/2020/12/11/armenia-unlawful-rocket-missile-strikes-azerbaijan#>.

¹³⁷ “TIME’s Top 100 Photos of 2020”, *TIME* (15 December 2020), available at <https://time.com/5921202/top-100-photos-2020/> (photograph by Ivor Prickett).

76. Armenia also repeatedly fired on densely populated residential areas of Ganja. On 4 and 5 October 2020, for example, Armenia launched a missile attack that killed one civilian, injured 32 — including six children — and damaged civilian shopping centers as well as historical buildings¹³⁸.

77. A few days later, on 8 October, Human Rights Watch reported “indiscriminate” rocket artillery by Armenian forces that hit a school in Ganja¹³⁹. Again on 11 October, Armenian forces launched attacks at night using SCUD ballistic missiles, damaging more than ten residential multi-apartment buildings in central Ganja, killing nine civilians and injuring over 35 others¹⁴⁰. On 17 October, Armenian forces struck Ganja once more, this time in the early morning while residents were asleep in their homes, killing 13 civilians and wounding more than 40¹⁴¹. In total, at least 25 Azerbaijani civilians died in Ganja as a direct result of Armenian fire, more than 84 were wounded, and the city was substantially damaged¹⁴².

¹³⁸ Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Fact-Finding Mission Carried Out in Connection with the Human Casualties and Destructions as a Result of Heavy Artillery and Rocket Fire by the Armenian Armed Forces on Ganja City — the Densely Populated Second Largest City of Azerbaijan, October 4-6, 2020* (October 2020), p. 4.

¹³⁹ *Ibid.* See also Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Second Interim Report on Violations by Armenia of International Human Rights Law and International Humanitarian Law in the Course of New Armed Aggression against Azerbaijan* (11 October 2020), pp. 3, 5, 26, available at <https://mfa.gov.az/files/shares/2nd%20interim%20report%20of%20Ombudsman.pdf>.

¹⁴⁰ Human Rights Watch, *Armenia: Unlawful Rocket, Missile Strikes on Azerbaijan* (11 December 2020); Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Second Interim Report on Violations by Armenia of International Human Rights Law and International Humanitarian Law in the Course of New Armed Aggression against Azerbaijan* (11 October 2020), pp. 3, 5, 26, available at <https://mfa.gov.az/files/shares/2nd%20interim%20report%20of%20Ombudsman.pdf>; General Prosecutor’s Office of the Republic of Azerbaijan, *The Number of Casualties in the Rocket Fire in Ganja City Reached 10 People* (12 October 2020), available at <https://genprosecutor.gov.az/az/post/3002>.

¹⁴¹ General Prosecutor’s Office of the Republic of Azerbaijan, *Number of Civilians Killed and Injured as a Result of Shelling with Heavy Artillery the Settlement of the Population in Ganja City by Armenian Armed Forces* (17 October 2020), available at <https://genprosecutor.gov.az/az/post/3047>; Amnesty International, *In the Line of Fire: Civilian Casualties from Unlawful Strikes in the Armenian-Azerbaijani Conflict over Nagorno-Karabakh* (14 January 2021).

¹⁴² Letter dated 3 November 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/574-S/2020/1083 (4 November 2020). Human Rights Watch and Amnesty International have documented attacks in Ganja, Barda, Fuzuli, Ayrija, and Qarayusufli in which weapons held exclusively by Armenia appear to have been used; Armenia has not refuted its role in the Ganja attacks. See, e.g., Human Rights Watch, *Armenia: Cluster Munitions Kill Civilians in Azerbaijan* (30 October 2020); Amnesty International, *In the Line of Fire: Civilian Casualties from Unlawful Strikes in the Armenian-Azerbaijani Conflict over Nagorno-Karabakh* (14 January 2021).



Figure 11: A photograph of an Azerbaijani child who died as a result of the 17 October 2020 attacks hangs on the wall of his destroyed home in Ganja¹⁴³.

78. Armenian forces also fired on Tartar on 2-3 and 5 October, where “[f]ourteen public schools, three kindergartens, and a vocational school were damaged or destroyed”, and “17 civilians had been killed and 10,000 of the region’s 114,000 residents had relocated”¹⁴⁴. According to Human Rights Watch, “Armenian forces’ repeated use of imprecise, explosive weapons systems to attack densely-populated civilian areas inside the city was indiscriminate and therefore unlawful”¹⁴⁵.

79. All told, Armenia’s indiscriminate weapons strikes on densely populated Azerbaijani cities far outside the theatre of active hostilities during the Second Garabagh War killed almost 100 Azerbaijani civilians, including children, and injured over 450 Azerbaijani civilians¹⁴⁶. Fifty-four Azerbaijani schools were also damaged or destroyed, including kindergartens and vocational schools¹⁴⁷. Armenia also purposefully targeted Azerbaijani civilian infrastructure located far outside the theatre of active hostilities. For example, Armenia launched a missile attack on Mingachevir — an Azerbaijani city located approximately 100 km away from the zone of hostilities, which

¹⁴³ Human Rights Watch, *Armenia: Unlawful Rocket, Missile Strikes on Azerbaijan* (11 December 2020).

¹⁴⁴ Human Rights Watch, *Lessons of War Attacks on Schools during the Nagorno-Karabakh War* (8 September 2021), available at <https://www.hrw.org/news/2021/09/08/lessons-war#>.

¹⁴⁵ *Ibid.*

¹⁴⁶ See Annex 24, Prosecutor General’s Office of the Republic of Azerbaijan, *Statistics of Crimes Committed by the Armenian Armed Forces against the Civilian Population of the Republic of Azerbaijan during 27.09.2020-10.11.2020* (2021) (Certified Translation).

¹⁴⁷ Human Rights Watch, *Lessons of War Attacks on Schools during the Nagorno-Karabakh War* (8 September 2021), available at <https://www.hrw.org/news/2021/09/08/lessons-war#>.

hosts a key water reservoir and electricity plant. Had Armenia's attacks on Mingachevir been successful, they would have caused devastating floods and untold harm to the civilian population that relies on these resources¹⁴⁸.

80. Armenian forces, motivated by ethnic animus, also summarily executed captured Azerbaijani servicemen and mistreated the bodies of the deceased. For example, Amnesty International authenticated videos from the Second Garabagh War depicting Armenian forces executing an Azerbaijani border guard and desecrating the bodies of dead Azerbaijani soldiers¹⁴⁹. The Azerbaijani Ombudsman has also documented at least 14 instances of torture or mistreatment of Azerbaijani servicemen and civilians while in Armenian captivity¹⁵⁰. Those Azerbaijanis were deprived of food, beaten, electrocuted, insulted, operated on while asleep, had needles repeatedly inserted into their veins, had hot coffee poured on them, and were injected with so much alcohol that their skin turned black¹⁵¹.

81. Armenia has not taken any action to investigate or prosecute these instances of torture and other allegations of war crimes by Armenian servicemen, either from the First or Second Garabagh War. To the contrary, Armenian leaders who should have been tried as war criminals have been glorified as heroes and elevated to the highest office. For example, Serzh Sargsyan — who served as the head of the “NKR” “Self-Defence Forces Committee” and later became Prime Minister and President of Armenia — has said about the Khojaly massacre: “[b]efore Khojal[y] the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We needed to put a stop to all that. And that's what happened.”¹⁵²

2. Armenian forces continue to engage in cultural erasure by intentionally destroying Azerbaijani cultural property

82. Armenian forces also purposefully targeted and destroyed monuments of Azerbaijani cultural heritage and history — even those located outside the combat zone. In late September 2020, for example, the Sheikh Babi Yagub Mausoleum, constructed in 1272 and located in Babi (Babi) village of the Fuzuli district of Azerbaijan, was

¹⁴⁸ See “Azerbaijan Says Armenia Launched Missile Attack against Azeri City of Mingachevir”, *Reuters* (4 October 2020), available at <https://www.reuters.com/article/uk-armenia-azerbaijan-mingachevir/azerbaijan-says-armenia-launched-missile-attack-against-azeri-city-of-mingachevir-idUKKBN26P0VR>.

¹⁴⁹ Amnesty International, *Armenia/Azerbaijan: Decapitation and War Crimes in Gruesome Videos Must Be Urgently Investigated* (10 December 2020). See also Annex 25, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture against Azerbaijani Soldiers by the Armed Forces of Armenia* (July 2021).

¹⁵⁰ Annex 26, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture, other Cruel, Inhuman or Degrading Treatment or Punishment of Azerbaijani Prisoners of War and Civilians by Armenia during Hostage Taking and Captivity* (January 2021) (hereinafter “Azerbaijan Ombudsman 2021 Report on Torture”). See also Annex 25, Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture against Azerbaijani Soldiers by the Armed Forces of Armenia* (July 2021).

¹⁵¹ See Annex 26, Azerbaijan Ombudsman 2021 Report on Torture.

¹⁵² Annex 2, *Black Garden*, pp. 184-185. See also the Republican Party of Armenia (HHK), *Serge Sargsyan Biography*, available at https://web.archive.org/web/20101218193545/http://hhk.am/eng/persons/serge_sargsyan.html.

heavily damaged by the Armenian armed forces¹⁵³. In late October 2020, the ninth century Imamzade Mosque and the historical men's gymnasium in Ganja were damaged as a result of Armenian shelling¹⁵⁴.

83. The destruction and looting of Azerbaijani cultural heritage continued even as hostilities came to an end. For example, Armenian forces, who had used the mosque in Qiyaslı (Giyasli) village of the Aghdam district as a pigsty and cow shed prior to the war burned it down before they withdrew from the district¹⁵⁵. Figure 12 depicts the destruction of the Giyasli village Mosque in November 2020¹⁵⁶.



Figure 12: Destruction of the Giyasli village Mosque.

84. As Armenia was forced to withdraw from Azerbaijan's territory, it employed what international observers described as a "scorched earth policy"¹⁵⁷, effectively continuing its policy of preventing the safe return of Azerbaijanis driven out of their homes decades before — this time by destroying habitable land. In addition, as part of its retreat, Armenia not only left behind, but in fact supplemented, the landmines first deployed to block the return of Azerbaijanis after the First Garabagh War. Since November 2020, at least 30 Azerbaijanis, including 23 civilians, have been killed and an additional 132 Azerbaijanis have been injured by landmines¹⁵⁸. Many of those killed had returned to the region in an attempt to visit their former homes and were killed in areas that, prior to the Second Garabagh War, had been safe for

¹⁵³ See Annex 18, Report submitted by Azerbaijan to the United Nations Educational, Scientific and Cultural Organization Committee for the Protection of Cultural Property in the Event of Armed Conflict, *Destruction of Cultural Property in the Territories of the Republic of Azerbaijan*, C54/20/15.COM/16 (30 November 2020), pp. 7, 9.

¹⁵⁴ *Ibid.*, pp. 3-4.

¹⁵⁵ Letter dated 4 May 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/872 (6 May 2021), pp. 2, 10, available at <https://un.mfa.gov.az/files/shares/Letters/75session/N2111379.pdf>.

¹⁵⁶ *Ibid.*, pp. 10-11.

¹⁵⁷ T. Kuzio, "Mines, Karabakh and Armenia's Crisis", *New Eastern Europe* (16 April 2021), available at <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-ccrisis/>. See also "Scorched Earth: Ethnic Armenians Destroy Homes, Infrastructure before Fleeing Azerbaijani Regions", *Radio Free Europe/Radio Liberty* (16 November 2020), available at <https://www.rferl.org/a/scorched-earth-as-ethnic-armenians-burn-homes-before-handover-of-territory-to-azerbaijan-control/30952511.html>.

¹⁵⁸ Annex 27, Prosecutor General's Office of the Republic of Azerbaijan, *Civilian Landmine Casualty Statistics* (11 August 2021), available at <https://genprosecutor.gov.az/az/post/4008> (Certified Translation).

civilians¹⁵⁹. Despite the increasing number of Azerbaijani civilians killed by landmines since the conclusion of the Second Garabagh War, Armenia has refused to share accurate and comprehensive landmine maps with Azerbaijan and instead continues to lay landmines in Azerbaijan's territory along the Armenian-Azerbaijani border¹⁶⁰.

D. Armenian Authorities Orchestrate an Anti-Azerbaijani Propaganda Campaign of Hate Speech and Disinformation

85. Armenia has been orchestrating a widespread anti-Azerbaijani hate campaign to denigrate and vilify the Azerbaijani people, describe them as ethnically inferior and even deny the existence of a distinct ethnic Azerbaijani identity. Armenia's central message continues to be that Azerbaijanis and Armenians are fundamentally incompatible ethnic groups. Armenia has not even attempted to hide its motivations in this respect, openly proclaiming to the CERD Committee that it is a "mono-ethnic State"¹⁶¹. What Armenia does not mention in its report to the CERD Committee is that one of the primary forces behind this march towards ethnic homogeneity has been a continuing campaign of entrenched ethnic cleansing, racial discrimination and hatred against Azerbaijanis, once the largest minority ethnic group in Armenia and now a non-existent presence there.

86. Anti-Azerbaijani hate speech has been disseminated by the highest levels of Armenian Government. In 2003, for example, then-President of Armenia Robert Kocharian proclaimed that Azerbaijanis and Armenians suffered from "ethnic incompatibility" and stated that it was impossible for Armenians to live within an Azerbaijani State¹⁶².

87. Armenian officials also regularly implement Armenia's policy of cultural erasure by denying the existence of an Azerbaijani ethnicity or identity and dehumanizing Azerbaijanis as inferior, calling Azerbaijanis "nomads" with no true home or identity¹⁶³. In an interview in 2004, then-Deputy Speaker of the Armenian Parliament Vahan Hovannessian referred to Azerbaijan as a "tribal society" with whom

¹⁵⁹ Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Ad Hoc Report: Mine Problem in the Liberated Territories* (21 June 2021), p. 7, available at <https://ombudsman.az/upload/editor/files/Ad%20Hoc%20Report%20of%20the%20Ombudsman%20on%20landmine%20problem.pdf> ("After the signing of the tripartite Statement, the armed forces of Armenia planted unmarked landmines while leaving the areas they held under the occupation, and until recent days, made attempts to plant new landmines.").

¹⁶⁰ Letter dated 9 August 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, UN doc. A/75/986-S/2021/721 (12 August 2021). See also Request, para. 15.

¹⁶¹ Republic of Armenia, *Fourth Periodic Reports of States Parties Due in 2000, Addendum*, doc. CERD/C/372/Add.3 (13 May 2002), para. 5 ("Armenia is a mono-ethnic State. Armenians make up 97-98 per cent of the population.").

¹⁶² Center of Analysis of International Relations, *Azerbaijanophobia in Armenia: Hostility in the Pre-War and Post-War Discourse of Armenians* (May 2021), pp. 9-10, available at <https://aircenter.az/uploads/files/hate%20speech%20english.pdf>. See also Annex 5, "Council of Europe Slams Armenian President's 'Ethnic Incompatibility' Remarks", *BBC* (31 January 2003) (quoting Kocharian as stating, "[t]his is about ethnic incompatibility. It is certainly unpleasant for me to say this, but this is a fact."); Council of Europe, *Council of Europe Secretary General Walter Schwimmer Warns against Hate Speech between Armenia and Azerbaijan* (30 January 2021), available at <https://rm.coe.int/09000016805e0eb4>.

¹⁶³ See, e.g., the Citizens' Labour Rights Protection League, *The Alternative Thematic Report to Seventh to Eleventh Periodic Reports of the Republic of Armenia Submitted to the Committee on the Elimination of Racial Discrimination* (2017), p. 6, available at <https://www.ecoi.net/en/document/1407744.html>.

“it is impossible to live in brotherly unity”¹⁶⁴. That same year, the then-Deputy Defense Minister of Armenia reportedly asserted that “murder is characteristic of the entire Azerbaijani nation”¹⁶⁵. At the same time, Armenian officials and so-called “NKR” representatives have continued to espouse notions of Armenian ethnic superiority, including through glorification of the “Tseghakron” ideology founded by Nzhdeh and championed by the RPA. Monuments to Nzhdeh were not only erected in Armenia; as recently as May 2020, the so-called “NKR” authorities sponsored a monument to him that was ultimately unveiled in then-peacekeeper-controlled Khojavend in January 2021¹⁶⁶.

88. The same message of Azerbaijani inferiority and Armenian superiority has been reiterated in Armenian media for years, including through Government media entities. In 2016, State-owned ArmenPress wrote that “Azerbaijanis are the same as Turkish barbarians, there is no difference between them. They do not belong on Earth.”¹⁶⁷ In the weeks leading up to the Second Garabagh War, the Chief of General Staff of the Armenian Army stated in reference to Azerbaijanis that “[t]he time has come to demonstrate the strength of the spirit, the might of the strike and endless hatred towards nomadic remnants of a cave tribe devoid of any sense of patriotism”¹⁶⁸.

89. Indeed, the dehumanization and “othering” of Azerbaijanis is so prevalent that anti-Azerbaijani stereotypes are taught to Armenian children in school from an early age. NGOs and academic researchers have reported, for example, that “in the Armenian history textbooks, concepts such as brutal[ity and] vandalism are used to describe Azerbaijanis”¹⁶⁹. According to a study conducted by Open Democracy, “Azerbaijan is generally described in Armenian textbooks as a new country, conjured up by rootless nomads”¹⁷⁰.

¹⁶⁴ Annex 28, N. Manucharova, “It Is Strange but We Must Fight to Democratize Azerbaijan”, *Novoe Vremia* (16 March 2004) (Certified Translation).

¹⁶⁵ Annex 29, Azerbaijan Society of America, “Is Armenia Seeking Peace?” *Baku Today* (28 March 2004).

¹⁶⁶ M. Mehdiyev, “Armenians Erect Monument of Fascist Accomplice in Nagorno-Karabakh Region of Azerbaijan”, *Caspian News* (31 January 2021), available at <https://caspiannews.com/news-detail/armenians-erect-monument-of-fascist-accomplice-in-nagorno-karabakh-region-of-azerbaijan-2021-1-31-0/>.

¹⁶⁷ Annex 30, “Decapitation of Private Sloyan by the Azerbaijani Is What I[S]IS Would Do, According to Aziz Tamoyan”, *Armenpress* (5 April 2016), available at <https://armenpress.am/rus/news/842364/obezglavlivanie-ryadovogo-sloyana-so-storoniy-azerbaiydzhancev.html> (Certified Translation).

¹⁶⁸ Annex 31, “Gasparian Urges Demonstrating Armenia’s Military Strength”, *Sputnik Armenia* (27 September 2020), available at <https://ru.armeniasputnik.am/society/20200927/24618390/Prishlo-vremyaprodemonstrirovat-armyanskuyu-voennuyu-silu-Gasparyan-obratilsya-sprizyvom.html> (Certified Translation).

¹⁶⁹ See Caucasus Center of Human Rights Monitoring, *Situation in Armenia on Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination* (2017), p. 35, available at <https://www.ecoi.net/en/document/1408146.html>. See also A. Hakobyan, “State Propaganda through Public Education: Armenia and Azerbaijan”, *Journal of Conflict Transformation* (2016), available at https://caucasusedition.net/state-propaganda-through-public-education-armenia-and-azerbaijan/#_Toc447353405.

¹⁷⁰ C. Soloyan, “In Armenia, the Frontline Starts at School”, *Open Democracy* (9 June 2017), available at <https://www.opendemocracy.net/en/odr/in-armenia-front-line-starts-at-school/>.

90. The hateful anti-Azerbaijani messages spread by official Armenian sources have had a ripple effect across the broader Armenian population, where they have metastasized into a widely accepted view that Azerbaijanis are ethnically incompatible with Armenians, that they lack a unique ethnic identity or history, and that they are inferior to Armenians. In an International Crisis Group interview in Shusha in May 2005, for example, “some Armenians interviewed . . . asserted that, ‘genetically we are not made to live with Azeris’”¹⁷¹. In 2021, a Caucasus Research Resource Center survey revealed that “72% of the adult population of Armenia do not believe in the coexistence of Armenians and Azeris[;] only 3% fully believe in it”¹⁷².

91. Armenia also has allowed racist hate groups formed for the specific purpose of inciting and committing violence against Azerbaijanis to operate openly and notoriously on its territory. One such group is Voxj Mnalu Arvest (literally translated as “the art of survival”), more commonly known as “VoMA”. VoMA was founded, and continues to operate in Armenia, on the basis of widespread support for a mono-ethnic Armenian State¹⁷³. The founder of VoMA, Vova Vartanov, has espoused the belief that Azerbaijanis are fundamentally different from — and inferior to — Armenians, stating in an interview that “[Azerbaijanis] have a nomad mentality, but we are sedentary. Therefore, it is difficult for us to get along.”¹⁷⁴ During the Second Garabagh War, VoMA members acted on the anti-Azerbaijani sentiment that underlies the group’s founding by targeting Azerbaijani civilians outside the theatre of hostilities. As set forth in the accompanying Request for provisional measures (“Request”), far from preventing VoMA’s activities, Armenia continues to support VoMA to operate in Armenia to incite hatred and violence against Azerbaijanis¹⁷⁵.

92. Also as detailed in the Request, Armenia’s ongoing anti-Azerbaijani cyber disinformation campaign was documented in February 2021, when Twitter disclosed that it had “investigated and removed” a network of 35 Twitter accounts that had proven ties to the Armenian Government¹⁷⁶. Twitter’s investigation established that Armenia, specifically and intentionally with the purpose of further fueling ethnic tensions, set up accounts that spread anti-Azerbaijani propaganda, and even posed as Azerbaijani Government officials or news sources tweeting anti-Armenian statements, to make it falsely appear that Azerbaijani sources were engaged in hate speech against Armenians. Twitter concluded that

¹⁷¹ See International Crisis Group, *Nagorno-Karabakh: Viewing the Conflict from the Ground* (14 September 2005), p. 26.

¹⁷² See “Public Perceptions in Armenia over the Settlement of Karabakh Conflict”, *CivilNet* (16 April 2021), available at <https://www.civilnet.am/news/599811/the-overwhelming-majority-of-armenians-consider-return-of-captives-the-first-step-in-karabakh-conflict-settlement/?lang=en>.

¹⁷³ Request, paras. 23-26.

¹⁷⁴ “Vova Vartanov: ‘Give Me All Your Weapons, We Can Return Some Territory’”, *HyeTert* (18 February 2019), available at <https://hyetert.org/2019/02/18/vova-vartanov-give-me-all-your-weapons-we-can-return-some-territory/>.

¹⁷⁵ See, e.g., Request, para. 26.

¹⁷⁶ Twitter Safety, “Disclosing Networks of State-linked Information Operations”, *Twitter, Inc.* (23 February 2021), available at https://blog.twitter.com/en_us/topics/company/2021/disclosing-networks-of-state-linked-information-operations-.html. See also Request, paras. 19-22.

“[t]hese accounts were created in order to advance narratives that were targeting Azerbaijan and were geostrategically favorable to the Armenian government. In some cases, the fake accounts purported to represent government and political figures in Azerbaijan, as well as news entities claiming to operate in Azerbaijan. The accounts engaged in spammy activity to gain followers and further amplify this narrative.”¹⁷⁷

93. In sum, Armenia has done nothing to prevent the widespread anti-Azerbaijani incitement it has enabled and amplified through both hate speech and disinformation campaigns. Indeed, the CERD Committee has repeatedly expressed its concern “at [Armenia’s] failure to investigate, prosecute, and punish hate crimes”¹⁷⁸, noting in 2002, for example, that Armenia provided “no statistics on cases relating to racial discrimination”¹⁷⁹. Armenia’s decades-long, co-ordinated efforts to instill anti-Azerbaijani beliefs in the Armenian population thus continue to this day, fanning the flames of ethnic hatred between the two peoples to drum up popular support for Armenia’s goal of a mono-ethnic State, including by annexing part of Azerbaijan’s territory.

IV. ARMENIA’S VIOLATIONS OF CERD

94. In acceding to CERD, Armenia undertook binding legal obligations to condemn racial discrimination and to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races¹⁸⁰. Armenia is continuing to act in flagrant and serious violation of those undertakings.

95. In line with its far-reaching objectives, CERD defines “racial discrimination” broadly as:

“any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”¹⁸¹.

96. CERD thus prescribes a framework for States parties to prevent and prohibit racial discrimination of all types, including policies and conduct that not only have the “purpose”, but also the “effect” of nullifying or impairing critical human rights and fundamental freedoms. CERD likewise specifically prohibits the “dissemination of ideas based on racial . . . hatred [and] incitement to racial discrimination”¹⁸².

¹⁷⁷ Twitter Safety, “Disclosing Networks of State-linked Information Operations”, *Twitter, Inc.* (23 February 2021), available at https://blog.twitter.com/en_us/topics/company/2021/disclosing-networks-of-state-linked-information-operations-.html.

¹⁷⁸ CERD Committee, *Summary Record of the 2524th Meeting, Combined Seventh to Eleventh Periodic Reports of Armenia* (2 May 2017), doc. CERD/C/SR.2524, para. 45.

¹⁷⁹ CERD Committee, *Report of the Committee on the Elimination of Racial Discrimination, Sixtieth Session and Sixty-first Session*, doc. CERD/A/57/18 (2002), para. 277.

¹⁸⁰ CERD, Art. 2 (1).

¹⁸¹ *Ibid.*, Art. 1 (1).

¹⁸² *Ibid.*, Art. 4 (a).

97. Through the conduct described above, Armenia has engaged in racial discrimination on the basis of “national or ethnic origin” within the meaning of Article 1 (1) that has had both the purpose and effect of nullifying and impairing the human rights and fundamental freedoms of Azerbaijanis in violation of Articles 2, 3, 4, 5, 6 and 7 of CERD. These Articles, in relevant part, provide that States parties must:

- (a) “condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms”, and to this end engage in no act or practice of racial discrimination, not sponsor, defend, or support racial discrimination; and prohibit and bring to an end racial discrimination by any persons, group or organization (Article 2);
- (b) “prevent, prohibit and eradicate” racial segregation and apartheid in territories under their jurisdiction (Article 3);
- (c) “condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end” not permit public authorities or public institutions to “promote or incite racial discrimination” and instead condemn racist propaganda and punish “all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any . . . group of persons of another [] ethnic origin”; and declare illegal and prohibit organizations that promote and incite racial discrimination (Article 4);
- (d) “undertake to prohibit and to eliminate racial discrimination in all its forms” and to “guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”, notably in the enjoyment of fundamental rights including, but not limited to (Article 5):
 - (i) the right to equal treatment before the tribunals and all other organs administering justice (Article 5 (a));
 - (ii) the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution (Article 5 (b));
 - (iii) the right to freedom of movement and residence within the border of the State (Article 5 (d) (i));
 - (iv) the right to leave any country, including one’s own, and to return to one’s country (Article 5 (d) (ii));
 - (v) the right to own property alone as well as in association with others (Article 5 (d) (v));
 - (vi) the right to inherit (Article 5 (d) (vi));
 - (vii) the right to freedom of thought, conscience and religion (Article 5 (d) (vii));
 - (viii) the right to work (Article 5 (e) (i));
 - (ix) the right to housing (Article 5 (e) (iii));
 - (x) the right to public health (Article 5 (e) (iv));
 - (xi) the right to education and training (Article 5 (e) (v));
 - (xii) the right to equal participation in cultural activities (Article 5 (e) (vi));

- (e) “assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination” (Article 6); and
- (f) “undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups” (Article 7).

98. Armenia, acting through its State organs, State agents, and other persons and entities acting on its instruction or under its direction and control, has violated and continues to violate these articles of CERD by acting directly through a widespread pattern of discriminatory acts and/or by sponsoring and supporting discriminatory acts by other persons or organizations, including by:

- (a) In violation of Articles 2, 5, and 3, engaging in a campaign of ethnic cleansing and other racial segregation against Azerbaijanis, including through:
 - (i) the unlawful expulsion of hundreds of thousands of Azerbaijanis from the formerly Occupied Territories;
 - (ii) the prevention of the return of Azerbaijanis who were unlawfully expelled from their homes in those Territories;
 - (iii) the pursuit of a broad-based policy of cultural erasure against Azerbaijanis, including through the destruction, desecration, plundering, and expropriation of Azerbaijani towns, cultural monuments and other pieces of Azerbaijani ethnic and cultural property;
 - (iv) the construction of illegal Armenian settlements in those Territories in order to exclude and permanently segregate Azerbaijanis from those Territories;
 - (v) the unlawful targeting and killing of Azerbaijani civilians during hostilities, including in Azerbaijani cities outside the theatre of active hostilities; and
 - (vi) the unlawful detention, torture and mistreatment of Azerbaijani prisoners of war and civilian detainees.
- (b) In violation of Articles 2 and 5, engaging in unlawful exploitation of Azerbaijan’s natural resources and depredation of the environment in the formerly Occupied Territories, as well as preventing Azerbaijanis from accessing essential resources while occupying the formerly Occupied Territories, such as water from the Sarsang Reservoir.
- (c) In violation of Articles 2, 4, 5, and 7, fomenting ethnic hatred against Azerbaijanis, including via educational institutions and traditional and social media, through a co-ordinated disinformation campaign and the dissemination of anti-Azerbaijani hate speech, calls to violence by hate groups like VoMA and other entities, glorifying individuals who have committed ethnically motivated crimes against Azerbaijanis, and engaging in other racist propaganda; and
- (d) In violation of Article 6, failing to provide effective protection and remedies, including by failing to investigate or punish the aforementioned acts of racial

discrimination including but not limited to the war crimes and other illegal acts committed against Azerbaijanis.

V. RELIEF REQUESTED BY AZERBAIJAN

99. Azerbaijan, in its own right and as *parens patriae* of its citizens, respectfully requests the Court to adjudge and declare:

- A. That Armenia, through its State organs, State agents, and other persons and entities exercising governmental authority or acting on its instructions or under its direction and control, has violated Articles 2, 3, 4, 5, 6, and 7 of CERD.
- B. That Armenia, by aiding, assisting, sponsoring and supporting activities inconsistent with CERD conducted by other persons, groups, and organizations has violated Article 2 (1) (b), (d), and (e) of CERD.
- C. That Armenia must take all steps necessary to comply with its obligations under CERD, including to:
 - (a) Immediately cease and desist from any and all policies and practices of ethnic cleansing that have been directed against Azerbaijanis;
 - (b) Immediately co-operate with de-mining operations by Azerbaijan and international agencies in the formerly Occupied Territories, including through the provision of comprehensive and accurate maps and other information on the location of minefields, by ceasing and desisting from the laying of landmines on the territory of Azerbaijan, and by other necessary and appropriate measures;
 - (c) Immediately cease and desist from any acts that detrimentally impact Azerbaijanis' enjoyment of or access to their environment and natural resources;
 - (d) Immediately cease and desist from the destruction of Azerbaijani heritage sites and other pieces of Azerbaijani ethnic and cultural property, and from the pursuit of the policy of cultural erasure;
 - (e) Immediately cease and desist from disseminating, promoting, or sponsoring anti-Azerbaijani propaganda and hate speech, including via educational institutions, the media, social media disinformation campaigns, and other channels, and from glorifying individuals who have committed ethnically motivated crimes against Azerbaijanis;
 - (f) Immediately cease and desist from any direct or indirect sponsorship or support of persons and organizations that engage in discrimination against Azerbaijanis, including VoMA;
 - (g) Publicly condemn discrimination against Azerbaijanis and adopt immediate and positive measures to prevent and punish such acts of discrimination, in accordance with CERD Articles 2 (1) (d) and (e) and Article 4;
 - (h) Ensure the investigation and punishment of acts of discrimination, including but not limited to war crimes committed by Armenian forces, in accordance with CERD Articles 2 and 4, and provide effective protection and remedies to Azerbaijanis for harm caused by such acts;

- (i) Publicly acknowledge its breaches of CERD and apologize for its conduct at the highest levels of Government;
- (j) Provide assurances and guarantees of non-repetition of Armenia's illegal conduct under CERD; and
- (k) Make full reparation to Azerbaijan, including compensation in an amount to be determined in a later phase in these proceedings, for the harm suffered as a result of Armenia's actions in violation of CERD.

VI. JUDGE *AD HOC*

100. In accordance with the provisions of Article 31 (3) of the Statute of the Court, and Article 35 (1) of the Rules of the Court, Azerbaijan declares its intention to exercise its right to choose a judge *ad hoc*.

VII. RESERVATION OF RIGHTS

101. Azerbaijan reserves the right to supplement and/or amend this Application, as well as the legal grounds invoked and the relief requested, as may be necessary to preserve and vindicate its rights under CERD.

VIII. APPOINTMENT OF AGENT

102. Azerbaijan hereby designates as its Agent Elnur Mammadov, Deputy Minister of Foreign Affairs of the Republic of Azerbaijan.

103. Pursuant to Article 40 (1) of the Rules of the Court, communications relating to this case should be sent to:

Andries Bickerweg 6
2517 JP The Hague

The Hague, 23 September 2021.

(Signed) Fikrat AKHUNDOV,
Ambassador of the Republic of Azerbaijan
to the Netherlands.

LIST OF ANNEXES*

- Annex 1.* All-Union Population Census of 1939, Ethnic Make-up of the Population by the USSR Republic, Armenian SSR (Certified Translation).
- Annex 2.* T. de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York University Press, 2013), pp. 11-14, 62, 174, 184-185 [Extract].
- Annex 3.* G. Nzhdeh, *The Struggle of Sons against Fathers* (edition published by Shushi Special Battalion Union of Freedom Fighters, 2015) ; G. Nzhdeh, *Tribal Religion Movement*, available at http://www.hhk.am/files/library_pdfs/24.pdf (Certified Translation) [Extracts].
- Annex 4.* USSR State Committee for Statistics, Results of the 1989 All-Union Population Census, Population Structure by Ethnicity, Native Language and Second Language of the USSR Peoples, Moscow 1989 (Certified Translation).
- Annex 5.* “Council of Europe Slams Armenian President’s ‘Ethnic Incompatibility’ Remarks”, *BBC* (31 January 2003).
- Annex 6.* Letter from the Minister of Foreign Affairs of the Republic of Azerbaijan to the Minister of Foreign Affairs of the Republic of Armenia dated 8 December 2020 [Annex not publicly available].
- Annex 7.* Letter from the Minister of Foreign Affairs of the Republic of Armenia to the Minister of Foreign Affairs of the Republic of Azerbaijan dated 22 December 2020 [Annex not publicly available].
- Annex 8.* Note Verbale from the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva to the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva dated 10 September 2021, Ref. 2203/1415/2021 [Annex not publicly available].
- Annex 9.* Letter from the Minister of Foreign Affairs of the Republic of Azerbaijan to the Minister of Foreign Affairs of the Republic of Armenia dated 17 February 2021 [Annex not publicly available].
- Annex 10.* Response of the Delegation of the Republic of Azerbaijan concerning the Issues Discussed during the Meetings of 2-3 March 2021 dated 23 March 2021 [Annex not publicly available].
- Annex 11.* Note Verbale from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva to the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva dated 3 May 2021, Ref. 0181/27/21/25 [Annex not publicly available].
- Annex 12.* Note Verbale from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva

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to the Permanent Mission of the Republic of Armenia to the United Nations Office and other International Organizations in Geneva dated 2 September 2021, Ref. 0432/27/21/25 [*Annex not publicly available*].

- Annex 13.* M. Melkonian, *My Brother's Road: An American's Fateful Journey to Armenia* (I. B. Tauris, 2008), p. 212 [*Extract*].
- Annex 14.* Statement by the Chairman of the CSCE Council, CSCE Communication No. 284, Prague, 26 October 1993.
- Annex 15.* Report by the Chairman of the CSCE Council on her visit to the Transcaucasian participating States, CSCE Communication No. 301, Prague, 19 November 1993, pp. 7-8 [*Extract*].
- Annex 16.* Note Verbale from the Office of the Personal Representative of the Chairperson-in-Office on the Conflict Dealt with by the OSCE Minsk Conference to the Ministry of Foreign Affairs of the Republic of Azerbaijan dated 4 June 2015 [*Annex not publicly available*].
- Annex 17.* Report of the OSCE Minsk Group Co-Chairs' Field Assessment Mission to the Occupied Territories of Azerbaijan Surrounding Nagorno-Karabakh, 2011, p. 6 [*Extract*].
- Annex 18.* Report submitted by Azerbaijan to the United Nations Educational, Scientific and Cultural Organization Committee for the Protection of Cultural Property in the Event of Armed Conflict, *Destruction of Cultural Property in the Territories of the Republic of Azerbaijan*, C54/20/15.COM/16, 30 November 2020, pp. 2-4, 7, 9 [*Extract*].
- Annex 19.* State Commission for Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, *File on Novruzov Mirzali, Testimony of Mammadov Vugar Yavar ogly* (2014) (Certified Translation) [*Annex not publicly available*] [*Extract*].
- Annex 20.* State Commission for Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, *File on Ismayilov Ramazan, Testimony of Gafarov Rauf Shamshaddin ogly* (1994) (Certified Translation) [*Annex not publicly available*] [*Extract*].
- Annex 21.* Atelier Erich Pummer GMBH, *The Juma Mosque in Agdam/Karabakh: Inspection and Report 2020*, January 2021, pp. 1, 3 [*Extract*].
- Annex 22.* "Exchange of Blows: Baku Remembered the Rules of War and Invited Turkey to a Settlement in Karabakh", *Vesti* (5 October 2020), available at <https://www.vesti.ru/article/2467934> (Certified Translation).
- Annex 23.* "David Babayan: 'In Hostilities, Artsakhs Are Facing Subhumans'", *Public Radio of Armenia* (15 October 2020), available at <https://ru.armradio.am/2020/10/15/давид-бабаян-против-арцахцев-воюют-н> (Certified Translation).
- Annex 24.* Prosecutor General's Office of the Republic of Azerbaijan, *Statistics of Crimes Committed by the Armenian Armed Forces against the Civilian Population of the Republic of Azerbaijan during 27.09.2020-10.11.2020* (2021) (Certified Translation).
- Annex 25.* Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture against Azerbaijani Soldiers by the Armed Forces of Armenia* (July 2021) [*Annex not publicly available*].
- Annex 26.* Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, *Report on the Facts of Torture, other Cruel, Inhuman or*

Degrading Treatment or Punishment of Azerbaijani Prisoners of War and Civilians by Armenia during Hostage Taking and Captivity (January 2021) [Annex not publicly available].

- Annex 27.* Prosecutor General's Office of the Republic of Azerbaijan, *Civilian Landmine Casualty Statistics* (11 August 2021), available at <https://genprosecutor.gov.az/az/post/4008> (Certified Translation).
- Annex 28.* N. Manucharova, "It Is Strange but We Must Fight to Democratize Azerbaijan", *Novoe Vremia* (16 March 2004) (Certified Translation).
- Annex 29.* Azerbaijan Society of America, "Is Armenia Seeking Peace?", *Baku Today* (28 March 2004).
- Annex 30.* "Decapitation of Private Sloyan by the Azerbaijani Is What I[S]IS Would Do, According to Aziz Tamoyan", *Armenpress* (5 April 2016) (Certified Translation).
- Annex 31.* "Gasparyan Urges Demonstrating Armenia's Military Strength", *Sputnik Armenia* (27 September 2020) (Certified Translation).
- Annex 32.* Mine Action Agency of the Republic of Azerbaijan, *Assistance Required for the Republic of Azerbaijan in Humanitarian Mine Action for Safe Reconstruction and Return of IDPs to the Conflict Affected Territories of Azerbaijan*, 2021, pp. 2-6 [Extract].
- Annex 33.* Speech by Nikol Pashinyan, posted on YouTube channel of NEWS AM (13 June 2021), available at <https://www.youtube.com/watch?v=7lbPymz14zQ> (Certified Translation) [Extract].
- Annex 34.* Twitter, Inc., *Information Operations Report Archive* (2021), available at <https://transparency.twitter.com/en/reports/informationoperations.html> (With Certified Translation) [Extract].
- Annex 35.* Voxj Mnalu Arvest (VoMA) Social Media Posts (Certified Translation).

