



Letter of concern in regard of humanitarian crisis caused by the armed conflict around Nagorno-Karabakh

Since the 27th of September 2020, the armed conflict around Nagorno-Karabakh (Arcach) has significantly escalated. The fighting is the heaviest seen to date in the long-running dispute.

The armed conflict, which has been going on for several days, has already claimed hundreds of victims on both sides, including the civilian population. According to the Armenian sources, two civilians were killed by Azerbaijani shelling in Martuni Province on the 27th of September. On the 5th of October, Armenian authorities reported 21 Armenian civilians were killed. According to the Azerbaijani sources, as a result of reported shelling by Armenian artillery, 30 people had been killed, while 143 people had been hospitalized. On the 5th-7th October, both sides accused each other of deliberately intensifying bombings on residential urban areas, including the Nagorno-Karabakh capital Stepanakert and Azerbaijan's second largest city, Ganja.

The actual death toll among the soldiers from both sides as well as civilians could be much higher, as casualty claims have not been independently verified.

Despite the call of the United Nations Secretary-General, reiterating on the 27th of September his full support for the important role of the OSCE Minsk Group Co-Chairs, the parties had chosen the format of bilateral talks with the participation of the government of the Russian Federation.

On Saturday, the 10th of October, both sides accused each other of launching artillery fire in violation of the ceasefire agreement concluded on the same date in Moscow.

At the same time, the process of internationalization of the conflict is gradually progressing, which President Macron pointed out when he claimed on the 2nd of October that 300 Syrian fighters drawn from the city of Aleppo that had passed through the Turkish city of Gaziantep en route to Azerbaijan.

Observing the ineffectiveness of the undertaken mediation process, the international community, under the leadership of the Council of Europe, should be called upon to become

more deeply involved as it is not only our common ethical responsibility, but above all we are all entitled to seek the protection of the civilian population under effective *erga omnes* humanitarian international obligations of Armenia and Azerbaijan.

In light of the United Nations framework of analysis for atrocity crimes, taking into consideration reports from international organisations and the media, it must be noted that the situation in Nagorno-Karabakh carries a high risk of the commission of war crimes and crimes against humanity in the region. This is indicated by risk factors such as escalating armed conflict, the political motives behind it, the weakness of state structures and record of violations of international humanitarian law during the long history of the dispute, and the religious background of the conflict. One of the strongest signs of the potential for atrocity crimes is large-scale instability, which in this case is the result of many years of territorial dispute over Nagorno-Karabakh, which is often accompanied by military clashes. Moreover, Nagorno-Karabakh is strongly tied politically, administratively and militarily with one of the sides to the conflict, while at the same time it is treated by the other side as part of its territory, which further deepens the destabilization of the region.

Both Azerbaijan and Armenia, as state-parties to the Council of Europe, are legally obligated to respect the European Convention on Human Rights and Fundamental Freedoms. Without a doubt, prolonged hostilities inevitably lead to violations of fundamental human rights, especially the right to life (Article 2) and freedom from torture and inhumane and degrading treatment (Article 3). In addition, the civilian population, residing in an area subject to regular military operations, remains cut off from elementary humanitarian aid.

At the beginning of October, the International Committee of the Red Cross, which has been present in the region since 1992, announced numerous reports of people trying to move themselves and their families to safety. Many other families, including babies and young children, are spending days and nights sheltering in the unheated basements of buildings in an effort to escape the violence. There are also reports of hundreds of homes and civilian structures such as schools and hospitals being destroyed by heavy artillery. The International Committee of the Red Cross officially condemned reported indiscriminate shelling and other alleged unlawful attacks using explosive weaponry in cities, towns and other populated areas, in which civilians are losing their lives and suffering terrible injuries, including life-changing ones.

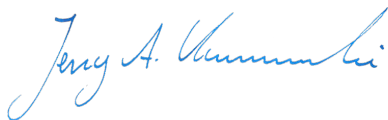
On the 29th of September, the European Court of Human Rights called upon both Azerbaijan and Armenia to refrain from taking any measures, in particular military action, which might entail breaches of the Convention rights of the civilian population. On the 6th of October 2020,

taking into account the escalation of the conflict, the Court imposed interim measures again, but this time called upon all states directly or indirectly involved in the conflict, including Turkey, to refrain from actions that contribute to breaches of the Convention rights of civilians, and to respect their obligations under the Convention.

According to media reports, despite the Court's interim measures, both sides continue to conduct military actions against each other in the Nagorno-Karabakh region.

The Ordo Iuris Institute for Legal Culture, as an organisation devoted to protection of human rights, is deeply disturbed by the reported loss of civilian lives and injuries. From the point of view of international law, war should not under any circumstances or for any reason whatsoever be considered as a means of settling disputes between states, even on issues as important as disputed territory (cf. Article 2 (3) of the United Nations Charter).

For these reasons, the Ordo Iuris Institute would like to join the voice of non-governmental organizations and institutions calling for immediate international action to protect civilians and ensure peace in the Nagorno-Karabakh (Arcach) region. The people of the region should be guaranteed humanitarian aid, and Armenia and Azerbaijan should start talks to settle the dispute over Nagorno-Karabakh to the satisfaction of both sides.



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