



IN THE LINE OF FIRE

CIVILIAN CASUALTIES FROM UNLAWFUL STRIKES IN THE ARMENIAN-
AZERBAIJANI CONFLICT OVER NAGORNO-KARABAKH

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Cover photo: Ten civilians were killed in Rafibayli Street opposite Victory Park in Ganja, Azerbaijan, by a Scud ballistic missile launched by Armenian forces on 11 October 2020. Dozens of houses were destroyed in the strike. © Amnesty International

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EXECUTIVE SUMMARY

Both Armenian and Azerbaijani military forces carried out disproportionate and indiscriminate attacks—prohibited under international humanitarian law—during a 44-day conflict in September to November 2020 over control of the Nagorno-Karabakh region and surrounding territories.¹ The two sides used notoriously inaccurate and indiscriminate weapons in populated civilian areas, including internationally banned cluster munitions, unlawfully killing scores of civilians and wounding hundreds more.

The majority of casualties in the conflict were soldiers, with more than 5,000 killed in all.² Yet at least 94 Azerbaijani civilians were killed by Armenian strikes on towns and villages in Baku-controlled territory of Azerbaijan, and some 52 Armenian civilians were killed in Azerbaijani attacks on Nagorno-Karabakh and Armenia.³ Armenian forces employed ballistic missiles, and unguided artillery and multiple launch rocket systems (MLRS). Azerbaijani forces also used unguided artillery and MLRS, as well as loitering munitions and missiles launched by drones.

Both the Armenian and Azerbaijani authorities have denied launching indiscriminate strikes against civilian areas and using cluster munitions—despite incontrovertible evidence that they have both done so. They have also accused each other of launching strikes from civilian areas but have not provided details of specific cases.

Amnesty International carried out on-the-ground investigations in November and December 2020 in Armenia and Azerbaijan, including in the Nagorno-Karabakh region, and documented strikes from both Armenian and Azerbaijani forces on civilian residential areas far from the frontlines, where often there did not seem to be any military targets. The multiplicity of such strikes on civilian areas indicates that they were not accidental and may have instead been part of a deliberate strategy aimed at pressuring and intimidating the other side. Neither government can credibly claim to have not been aware that strikes on civilian residential areas using notoriously inaccurate or/and inherently indiscriminate weapons endangered civilians.

¹ Armenian forces include the Armed Forces of the Republic of Armenia and the nominally independent Defence Army of the self-styled Nagorno-Karabakh Republic/Republic of Artsakh backed by Armenia.

² See “Nagorno-Karabakh conflict killed 5,000 soldiers,” BBC News, 3 December 2020. The BBC reported that the Armenian authorities say that 2,425 of their forces died in the conflict, while the Azerbaijani authorities say that 2,783 of their forces died.

³ These figures were provided by the Office of Prosecutor General of Azerbaijan and by the Human Rights Ombudsman of the Armenia-backed de facto authorities in Nagorno-Karabakh (Republic of Artsakh). Amnesty International has verified a number of cases with families of the victims and other sources, and in those cases has found information consistent with that provided by the above-mentioned authorities. The casualty figures do not include civilians killed in captivity.

BACKGROUND

Conflicting claims by Armenians and Azerbaijanis over control of the Nagorno-Karabakh region date back to long before Armenia and Azerbaijan gained formal independence from the Soviet Union. During the Soviet period, the Nagorno-Karabakh Autonomous Region, which had an ethnic Armenian majority, was part of the then Soviet Socialist Republic of Azerbaijan. In 1987, Armenian residents of the Nagorno-Karabakh region demanded that it be transferred from Soviet Azerbaijan to Soviet Armenia, and ethnic tensions quickly spiralled, within and beyond Nagorno-Karabakh, resulting in violence, deaths, injuries and mass displacement of people from Armenian, Azerbaijani and other ethnic communities.

The Armenian-Azerbaijani conflict escalated into full-scale war in the early 1990s, as the Soviet Union was coming to an end. By the time a ceasefire agreement was reached in 1994, Armenian forces had taken full control of Nagorno-Karabakh and several surrounding Azerbaijani regions, maintaining a military occupation of the area. Over half a million ethnic Azerbaijani civilians were forcibly displaced in the early 1990s from their homes in these territories and have since lived as internally displaced people in other parts of Azerbaijan.⁴

The latest military engagement between Azerbaijani and Armenian forces started on 27 September and ended on 10 November 2020 with a ceasefire agreement signed by Armenia, Azerbaijan, and Russia; the latter country brokered the ceasefire. As a result, Baku regained control of most of its internationally recognized territory except for a part of Nagorno-Karabakh containing the region's capital Stepanakert (Khankendi), which remains under effective control of Armenia. The agreement gave Russian forces a peacekeeping role along the line of contact separating the two sides, and in securing passage for each side through territory controlled by the other side. Tens of thousands of ethnic Armenians fled their homes in Nagorno-Karabakh, and while some have since returned to the parts of Nagorno-Karabakh controlled by Armenian forces, many are now confronting the prospect of long-term displacement, mostly in Armenia.

The displaced people from both communities are unlikely to be able to return on a large scale in the short- or even medium-term. These areas are heavily mined,⁵ and in most virtually nothing remains of the previous homes.⁶

⁴ On the plight of these people years after their displacement, see Amnesty International, *Azerbaijan: Displaced then Discriminated against*, 28 June 2007, Index number: EUR 55/011/2007, available at <https://www.amnesty.org/en/documents/EUR55/011/2007/en/>. Under an ongoing peace process organized under the aegis of the Organization for Security and Co-operation in Europe, no proposals proved satisfactory to the conflicting parties.

⁵ Nagorno-Karabakh is among areas in the region most contaminated with mines. Both Armenian and Azerbaijani sides planted mines in Nagorno-Karabakh during the conflict in the early 1990s and new mines were reportedly laid by retreating Armenian forces in this latest conflict. See, for example, an overview by the HALO Trust: <https://www.halotrust.org/where-we-work/europe-and-caucasus/nagorno-karabakh/>.

⁶ In the Kalbajar area of Nagorno-Karabakh and the surrounding Agdam area, visited by Amnesty International in December 2020, in most cases all that remained of Azerbaijanis' homes and properties were bare walls—without a single door, window, or roof tile.

ATTACKS BY ARMENIAN FORCES

Amnesty International documented eight strikes carried out by Armenian forces on towns and villages in Azerbaijan that killed a total of 72 civilians.⁷ These consisted of five strikes in Ganja, which killed 33 civilians, three strikes in Barda, which killed 29, one strike in Gashalti (near Naftalan), which killed five, and one strike in Qarayusufli, which killed five. The strikes in Barda and Qarayusufli involved the use of internationally-banned cluster munitions, and the deadliest strikes on Ganja involved the use of R-17 ballistic missiles, which are more often called SCUD-Bs, their NATO reporting name. Other munitions used in strikes in civilian areas include unguided Smerch rockets and artillery shells.

In addition to killing and harming civilians not directly participating in hostilities and not in the vicinity of military objectives, strikes carried out by Armenian forces also destroyed or damaged a large number of civilian homes and other civilian objects. In one settlement in Terter made up of 34 apartment buildings for families displaced from Nagorno-Karabakh in the early 1990s, at least 25 apartments were struck, the roofs of eight buildings were destroyed, and hundreds of other apartments and administrative buildings sustained varying degrees of damage.



Remains of rockets launched by Armenian forces which hit the city of Terter in Azerbaijan during the 44-day conflict. © Amnesty International

⁷ Amnesty International interviewed 51 survivors, witnesses and relatives of victims at the strike sites and other locations, and eight state officials, between 1 and 6 December 2020. Locations included Ganja, Barda, Qarayusufli, Gashalti, Terter and Baku.

GANJA - BALLISTIC AND HEAVY ARTILLERY STRIKES

“She was my only child. She was all I had.”

The mother of a 14-year-old girl killed in Ganja on 17 October.

A strike carried out by Armenian forces on the Mukhtar Hajiyeve neighbourhood of Ganja at about 1 am on 17 October killed 21 civilians and injured more than 50 others, destroying part of the neighbourhood. Deminers with the official Azerbaijan National Agency for Mine Action (ANAMA) identified the weapon used as a SCUD-B ballistic missile. Photos shared on social media by an Azerbaijani government spokesman, allegedly from the strike, show fragments of a SCUD-B.⁸ Ganja is more than 100km from the frontlines.

Sudaba Asgarova, whose 14-year-old daughter Nigar was killed in the strike, said the strike also killed numerous other relatives, including her father, her brother, her sister, and her sister's 10-month-old daughter, as well as 16 neighbours. She told Amnesty International:

I was in Russia, where I work as a cook a few months a year. [After the strike] my relatives told me that my father had been killed. They did not tell me that my daughter and everyone else had been killed. My colleagues took me to the airport and took my phone away from me and gave it to another passenger so that I could not find out from the internet what had happened to my family. When I arrived home, they had all been buried already. The day after she died would have been her 15th birthday. She was my only child. She was all I had.

Sudaba Asgarova's brother Rovshan Asgarov, who survived the strike, told Amnesty International:

I was outside my home with my brother talking to my friend and neighbour and then I went inside and went to check on my father, who was in bed, unwell. As I went to my room my son called me, for us to pray together. Then I felt like a powerful wave and I don't remember anything, until I started to wake up with the voice of my neighbour calling me but I was buried under the rubble with my mother and my son and could not move. My son later told me that he was also calling me but I did not hear him. He was also injured very badly and is still in hospital in Baku. It will take a long time for him to recover. My father, my brother Bakhtiyar, my sister Sevil and her 10-month-old baby girl Narin, and my niece Nigar were all killed in the strike.

Another resident of the area, Ramiz Gahramanov, a 64-year-old construction worker, told Amnesty International that he lost his 34-year-old daughter Khatira Gahramanova, his 11-year-old grandson Orkhan, and his granddaughters Maryam, age six, and Laman, age 18. He recalled:

I was asleep on the second floor, in the new extension of the house, which is sturdier. I felt as if the bed was pushed up and floated for a moment and saw a flash of light and then everything was covered in thick dust and I could not see anything. I could not find my phone or my clothes. I called my daughter, the children, but nobody answered. Then my phone rang and that is how I was able to find it in the dust and debris. I looked down and when I saw that the house had been completely destroyed, I immediately knew that they had all died because nobody could have survived such destruction. I saw the body of my neighbour Suliddin strewn in the rubble. I could not find the bodies of my grandchildren. Parts of their bodies were not found until days later, in the next street, and some parts were not found at all. It was not just my family that was decimated. My neighbour, Royal Shahnazarov, his wife Zuleikha Shahnazarova, and their little baby girl, Madina, who was only one year old, were also killed. All three of them. Their other daughter, who is only three years old, is now an orphan.

The strike injured scores of residents and severely damaged dozens of houses in the surrounding streets, some of them beyond repair. When Amnesty International visited the area six weeks after the strike most of the neighbourhood's residents remained displaced, as their houses were not habitable.

Most of the displaced residents interviewed by Amnesty International said that they or their children had been injured in the strike. Yegana Seidzade, who lived two streets away, said: “my daughters, aged 13 and 18, and myself and my mother-in-law all were full of cuts from the shattered windows. My daughters are still getting medical treatment now and the little one is very traumatized and can't sleep or concentrate.”

A week earlier, on 11 October, another strike hit Ganja at about 2 am. The strike killed 10 residents of an apartment building on Rafibayli Street opposite Victory Park, in the city centre, and destroyed or severely

⁸ <https://twitter.com/HikmetHajiyev/status/1317238112070868992>

damaged dozens of surrounding homes. According to deminers from the governmental ANAMA, it also involved a SCUD-B ballistic missile. The extent of the damage is consistent with a strike by such weapon.

Among those killed were 38-year-old Anar Alizada and his 33-year-old wife, Nurchin Alizada. Anar Alizada's father told Amnesty International:

My wife was unwell so we were staying with relatives who looked after her. One of my sons called me at 3am and told me that our building had been hit but he did not tell me how serious it was. As I left to come over I didn't tell my wife that it was our building that was bombed so as not to worry her. When I arrived, our building was a pile of rubble. Rescuers searched for 10 hours before they found my son's body. Both he and his wife had severe head and neck injuries. They lived on the ground floor and were buried under the rubble. Now their two children are orphans.

Anar Alizada's brother said: "I live four km away but I heard the explosion. But I did not imagine it was my brother's home. Then a friend called and told me, so I rushed over."

A rescue worker told Amnesty International that body parts were found days later strewn more than 100 metres from the building: "It was the most difficult rescue I ever participated in," he recalled.



The father of Anar Alizada points to the destroyed building where his son and daughter-in-law and eight other civilians were killed in Rafibayli Street opposite Victory Park in Ganja, in Azerbaijan, by a Scud ballistic missile launched by Armenian forces, on 11 October 2020. © Amnesty International

Local Armenian de facto authorities in Nagorno-Karabakh claimed that they had been firing at military targets in Ganja. Arayik Harutyunyan, the de facto president, was quoted on 4 October saying:

At my orders, today the Defense Army delivered several rocket strikes with the purpose of neutralizing military facilities deployed in the city of Ganja. As of this moment, I have ordered to cease the fire, in order to avoid innocent victims among the civilian population. In the event of the adversary not drawing appropriate conclusions we will continue proportionate and powerful strikes by dismantling and breaking apart the enemy's army and rear. We are resolute in our actions until the end.⁹

The city of Ganja contained several military objectives that may have been the target of the strike. For example, satellite imagery shows military equipment, such as cargo trucks, several hundred metres from the impact area of the 11 October attack. In addition, the Ganja airport, which hosted Turkish F-16 aircraft, lies on the north western edge of town, several kilometres from where both strikes landed.¹⁰

⁹ See "Artsakh's president orders to stop firing at Ganja military bases to avoid possible innocent victims," Armenpress, 4 October 2020.

¹⁰ Two Turkish F-16s were visible in satellite imagery on 3 October 2020. See <https://twitter.com/trbrtc/status/1313903827435892737>.

However, the presence of these possible military objectives does not justify the use of a massive and imprecise weapon like the SCUD-B in a populated area. It is extremely inaccurate, and has a Circular Error Probable (CEP)—the distance within which half of a certain type of weapon are expected to land from their intended target—of approximately 1000 metres, far worse than even Grad rockets or most artillery. Weapons such as the SCUD-B, meaning inaccurate explosive weapons with wide area effects (a conventional SCUD-B warhead contains over 500 kg of high explosive, which can throw fragments that cause deaths and injuries up to 1000 metres away),¹¹ must never be used in populated civilian areas, such as residential neighbourhoods. The likelihood of causing level of harm to civilians and damage to civilian objects is unacceptably high, making such use impermissible under the laws of war.

BARDA - CLUSTER MUNITIONS CAUSE CARNAGE AMONG WORKERS AND PASSERS-BY

On 28 October at about 1:30 pm, a busy time of day, Armenian forces fired several large calibre missiles into the city of Barda, more than 230 km from the frontlines. Three missiles landed in the city centre, two of them near two hospitals. One of them, a Russian-made 9M55K Smerch rocket containing 72 9N235 cluster munitions, landed in the middle of a busy traffic roundabout, killing 21 civilians who worked in the area or were passing through. Scores of others were injured, including some who lost limbs.



This cargo container contains remains of weapons used in the conflict, including pieces of a Russian-made 9M55K Smerch rocket (which holds 72 9N235 cluster munitions) launched by Armenian forces. It landed in the middle of a busy traffic roundabout of BARDA, Azerbaijan on 28 October 2020, killing 21 civilians who worked in the area or were passing through. Scores of others were injured, including some who lost limbs. © Amnesty International

Among the victims was Leila Mustafayeva, age 51, who lived by the roundabout. Her daughter told Amnesty International:

After the explosion my mother went outside and started helping rescue the injured. My sister followed her outside and she asked my sister to go fetch her phone in the house to call the ambulance; when my sister went back outside with the phone my mother was lying on the ground dead, bleeding from the chest and arm. There were many explosions; she did not know there would be more explosions when she went outside to help the injured.

Sevda Gojayeva, who has a teashop near the roundabout, described what she saw:

¹¹ Calculated using a K factor of 328.

I was thrown against the wall by the force of the explosion. People were screaming and there was a lot of smoke. Five people were killed next to the car wash. Fuad Ismayilov, a teacher who lived behind the car wash was one of them. He was decapitated and his mother rushed over from the house and she saw his body. It was terrible for her. Sadig Aliyev from the car wash was killed; he was young, about 32, and was the father of three young children, and Agham Moallah, a taxi driver; he was about 60. He was coming from the city centre and going towards Yevlakh. And there was a woman who came with her father to go to apply for social assistance and then they stopped to buy bread and were standing outside the bakery waiting for a bus and were both killed. It was indescribable. I can't find the words to tell you.

On the other side of the roundabout several people were killed and injured near a butcher shop. Elchin Shirinov, a 36-year-old taxi driver and father of two young children, lost his leg in the strike. He told Amnesty International:

I was sitting in front of the butcher in my car, a Lada, when the explosion happened. I felt that I was hit in the leg and managed to drag myself out of the car, as it was catching fire. My left leg was cut off above the knee; it was only attached by a small bit of flesh. I knew I had lost it. I also had three big abdomen wounds. As I lay on the ground my car burned down completely and there were people injured, dying, or dead near me. I have had several surgeries on my leg, my abdomen and my arms. My other leg is also injured and I can't stand on it, and because of the injuries on my arms and chest I cannot help myself with crutches. Before the explosion which injured me, I heard another explosion nearby, but I did not think they would bomb that busy place where I was.

Also seriously injured was Elnur Zulfugarov, a 28-year-old carpenter and father of three young children. He told Amnesty International:

I was working at the furniture shop on the roundabout and I heard an explosion and screams, and I went outside and it was chaos—smoke, dust, and people on the ground—but before I could really realize what happened I felt a hot wind and a sharp pain in my legs, especially my right leg and I fell to the ground unconscious. When I regained consciousness, I was on the ground and I had a big hole in my thigh; there were people on the ground in pools of blood; I don't know who was dead or alive. I was taken to hospital in Naftalan.

Six weeks later his wound was not improving and he feared that he might lose his leg.

Cluster munitions scatter hundreds of bomblets, or submunitions, over a wide area. It is estimated that between 5 and 20 per cent of cluster bomblets fail to explode. They are then left behind, posing a threat to civilians similar to that of anti-personnel landmines. Cluster munitions are inherently indiscriminate weapons, and their use in any circumstances is banned under international humanitarian law. Even though Armenia is not a state party to the 2008 Convention on Cluster Munitions,¹² it has an obligation to comply with the fundamental principles of international humanitarian law, including the principle of distinction,¹³ which forbids indiscriminate¹⁴ attacks and prohibits the use of weapons that are by nature indiscriminate.

The previous day, on 27 October, Armenian forces launched another cluster munitions strike on Qarayusufli, a village 10 km south-east of Barda, killing five villagers—three women, a seven-year-old girl, and a man—and injuring 14 others. The strike also caused widespread damage to homes throughout the village.

"It was as if it was raining bombs and explosions. Some bombs exploded on the ground and others in the air," one of the villagers told Amnesty International.

Shrapnel/fragments which the villagers collected, craters, and shrapnel marks on walls, roofs and trees, and the villagers' testimonies of multiple explosions were consistent with the effects of an attack using cluster submunitions.

The uncle of a seven-year-old girl who was killed told Amnesty International his niece, Aysu Iskandarli, was playing outside when the attack started. He recalled:

Aysu was playing on the swing in the garden when several bombs exploded all around, in the garden and outside. She was very badly injured in the abdomen and chest and died immediately.

Ofelya Cafarova's son, Rovshan, told Amnesty International that his mother had gone into the part of the yard where the family keeps chickens to get a chicken to prepare as a meal for him, as he had called her to say that he would be home later that day. Two submunitions exploded in the yard and two on the roof of a nearby house. Ofelya Cafarova died instantly from her wounds.

Aybaniz Ahmadova, age 61, was working in the field opposite her home, cultivating the onions, when seven submunitions exploded. "After she was injured my mum ran some 30 metres across the field, trying to get

¹² <https://www.clusterconvention.org/the-convention/convention-text/>

¹³ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule1

¹⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule12

away from the explosion towards home, but she collapsed and died in the middle of the field,” her son told Amnesty International.

Now the house is empty without her. Me and my sister miss her very much.

Sixty-year-old Almaz Aliyeva was washing her hands in the yard in front of her home when she was struck by shrapnel by one of the bombs, killing her on the spot, her son told Amnesty International. Two cluster submunitions struck the family’s yard, damaging the roof and the outer wall, and others exploded on the road and nearby fields.

Ehtiram Ismaylov, a 40-year-old cameraman and father of three children, was also killed and his wife was wounded in their home when at least seven submunitions exploded around the house.

GASHALTI - ARTILLERY STRIKE DESTROYED A FAMILY

In the late afternoon of 27 September, the first day of the war, Armenian forces launched an artillery salvo on the home of the Gurbanov family, killing five family members and partially destroying the house. Bakhtiyar Gurbanov recounted the incident, saying:

The shell struck here, on the steps, by the entrance. It killed both my parents, my father Elbrus and my mother Shafayat, my brother’s wife, Afaq, my nephew Shahriyar, and my niece Fidan. Our family was destroyed. We had started to renovate the house before the war, now we can’t bear to be here anymore. We have left everything as it was at the time of the attack. My brothers and I can’t bear to think about it, to remember what happened. It was a terrible sight.

As even modern artillery has a CEP of at least 100 metres at the weapon’s typically employed range, this weapon should never be used in the vicinity of concentration of civilians.¹⁵ It cannot be accurately deployed against military objectives in the midst of populated civilian areas and its use in such circumstances violates the prohibition of indiscriminate attacks.

¹⁵ Dullum, Ove S. *ARES indirect fire: A technical analysis of the employment, accuracy, and effects of indirect-fire artillery weapons*, International Committee of the Red Cross, January 2017, p. 61.

ATTACKS BY AZERBAIJANI FORCES

Amnesty International documented nine strikes carried out by Azerbaijani forces on towns and villages in Nagorno-Karabakh and one in Armenia, which killed a total of 11 civilians.¹⁶ These consisted of four strikes in Stepanakert that killed four civilians (and two soldiers), five strikes in Martuni, which killed three, two strikes in Martakert, which killed three, and one strike in Davit Bek, in Armenia, which killed one. According to the de facto authorities in Nagorno-Karabakh, at least 52 Armenian civilians were killed during the conflict.

Some of the strikes were carried out using inherently indiscriminate weapons, such as 122mm Grad rockets and internationally banned cluster munitions.

The frequent attacks on towns and villages in Nagorno-Karabakh could have resulted in a larger number of civilian casualties had many civilians not left the region or taken shelter in basements. Strikes by Azerbaijani forces also destroyed or damaged a large number of civilian homes and other civilian objects, including churches and markets. In Stepanakert, notably, scores of houses and apartments were destroyed or damaged to varying degrees.

In carrying out this research, Amnesty International visited most of the towns and villages in Nagorno-Karabakh and Armenia where Azerbaijani strikes killed or injured civilians, as well as other locations in Yerevan and Goris where displaced residents of Nagorno-Karabakh were sheltering. An Amnesty International delegate interviewed survivors, witnesses and relatives of civilians killed and injured in the strikes, as well as local civilian and military authorities, and surveyed dozens of strike locations. Fragments of the munitions used in the attacks still remained at some of these sites. Amnesty International also spoke to NGOs and media workers who were present in the region during the conflict and examined videos, photographs, and satellite images taken during the conflict—including some that showed indiscriminate air and ground bombardments that harmed civilians and damaged civilian objects and/or which were carried out using cluster munitions and other inherently indiscriminate weapons.

STEPANAKERT - RELENTLESS STRIKES, CIVILIANS FORCED TO FLEE OR HIDE

“Since the war started my parents had been staying in the shelter in the basement of the building with other residents ...

¹⁶ Amnesty International interviewed 29 survivors, witnesses and relatives of victims at the strike sites and other locations, and seven state officials and NGO representatives, between 11 and 15 December 2020. Locations included Yerevan, Goris, Stepanakert, Martuni, Martakert and Davit Bek.

That morning my father came upstairs and was standing on the balcony when a rocket exploded in the garden. He was killed on the spot.”

The son of man killed in Stepanakert on 4 October 2020

Regional capital Stepanakert contains military and dual-purpose infrastructure in the midst of densely populated civilian residential buildings, civilian infrastructure and businesses.¹⁷ The placement of such potential military targets in the city placed civilians unnecessarily at risk of getting caught in attacks. Indeed, the city was at the receiving end of numerous attacks, even several times a day, during the 44-day conflict. Attacks by Azerbaijani forces on Stepanakert, as elsewhere in the region, were often disproportionate and/or indiscriminate.

A series of attacks launched by Azerbaijani forces in the middle of the day on 4 October killed at least four civilians and injured more than a dozen others, and damaged scores of homes and other buildings over a large area of the densely-populated city centre. Among the victims was 69-year-old Arkadi Lalayal, who was killed while standing on the balcony of his third-floor apartment on Alek Manukyan Street: he was hit by shrapnel from a rocket that exploded in the garden of the building, at about 11 or 11:30 am.

Arkadi Lalayal's son, Naver, told Amnesty International:

Since the war started my parents had been staying in the shelter in the basement of the building with other residents and came up to the apartment regularly to use the bathroom and the kitchen. That morning my father came upstairs and was standing on the balcony when a rocket exploded in the garden. He was killed on the spot and much of the apartment was destroyed, as you can see. A girl with a disability, who lives upstairs, was also injured by the explosion.

On the fourth floor of the same building, Nelly Arzumanyan told Amnesty International that her 25-year-old daughter, Marta, who has a severe mental and physical disability, was injured and severely traumatized. She recalled:

I had gone to Yerevan with two of my children on the second day of the war while my husband stayed here with Marta. He was sewing clothes for the military, as a volunteer, and it would have been too difficult to move Marta to an unfamiliar environment. For that reason it was also not possible for her to be moved to the shelter in the basement with the other residents.

Marta was in her room, which faces the garden, when the strike happened, shattering the window and raining shrapnel and shards of glass all over the room. She was injured in her head, face, neck and chest and was so frightened that for several weeks she was virtually unable to move.

At the site of the strike in the garden of the building, residents showed Amnesty International fragments of the munition, which an independent weapons expert identified as “likely parts of an EXTRA ballistic missile,” an Israeli weapon known to have been sold to Azerbaijan.

Shortly after this strike, at about 12.30 or 1pm, another missile landed outside a building on Admiral Isakov Street, about 1 km southwest of the previous strike. That missile killed Artur Galstyan, a 49-year-old retired soldier and father of three. His son, Sergey Galstyan, told Amnesty International: “I was serving in the army when my father was killed. He was outside the building waiting for my mother who had gone to buy something. He was killed on spot and another neighbour, Serjik, who is about 60, was injured.”

Other locations were struck around the city centre at around the same time including the headquarters and control centre of Artsakh Energo (200-400 metres south-west of the above strike location), which provides electricity to the city and the rest of the region. Two employees were reportedly killed in the strike.¹⁸ Other rockets landed near a nearby school (School number 10) on Starovoytova Street, which was not in use at the time, and on Sasuntsi Davit Street, some 500 metres north of the Artsakh Energo headquarters (and less than 200 metres from the offices of the International Committee of the Red Cross).

¹⁷ Dual-use facilities are those which effectively support military operations; they may be considered military objectives and be lawfully targeted, provided their attack offers a definite military advantage. See for example: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule8

¹⁸ <https://www.hrw.org/news/2020/12/11/azerbaijan-unlawful-strikes-nagorno-karabakh#:~:text=Azerbaijani%20forces%20carried%20out%20apparently,Human%20Rights%20Watch%20said%20today.&text=Fighting%20continued%20until%20November%2010,agreement%20to%20end%20the%20hostilities>

Military barracks and other installations which may be lawfully targeted are located in Stepanakert's city centre, in the midst of residential buildings and shops, putting civilians at risk. Yet the Azerbaijani authorities would have been fully aware that the kind of multiple strikes they launched on the city on 4 October, using notoriously inaccurate munitions which cannot be aimed at a specific target—Grad rockets and internationally banned cluster munitions—would land indiscriminately in residential areas and very likely harm civilians and damage or destroy civilian objects. Such indiscriminate attacks violated fundamental principles of international humanitarian law, notably the principles of distinction and proportionality.

The critical infrastructure and services (seemingly deliberately) targeted by Azerbaijani strikes included the Emergency Services—a large compound on the eastern edge of the city. On 2 October at around 2 pm a rocket struck the car park, right outside the hangar where rescuers on shift and vehicles are located, mortally wounding one of the rescuers, 25-year-old Hovhannes Aghajanyan, and injuring 10 of his colleagues. It also caused serious damage to the hangar.

One of the wounded rescue workers, Sasha Avanesyan, who sustained a broken wrist and shrapnel injuries all over his arms and shoulders, told Amnesty International:

Hovhannes was sitting near the entrance with his back to the parking lot. He was very badly injured in the back of the head and neck. He was taken to hospital in Yerevan because his condition was so serious, but he couldn't be saved and died two days later. All of us who were here were injured, some more seriously than others. The rocket was a Smerch. It exploded in mid-air, so it caused limited damage. Metal shrapnel and glass fragments came flying into the garage and injured everyone. We were targeted so as to disable the rescue service. We rescue everyone, civilian and military.

Four days before the Russian-backed ceasefire, in the early morning of 6 November, a strike at the northeastern edge of the city completely destroyed the home of 83-year-old Svetlana Mkrtchyan, killing her and two of her grandsons, both soldiers. Svetlana Mkrtchyan's daughter Alina, who lived in the house with her mother and her sons, told Amnesty International:

I stayed at home with my mother throughout the war, but I had gone to Yerevan with my sister for five days and that night my sons Erik and Arkadi were sleeping at home; they just came the day before; they were both in the army. Arkadi was just 20 years old. He had just finished his military service three months before the war and when the war started he went back as a reservist. Erik was 28 and has been in the army for five years. He had just got married and was in Yerevan with his wife on their honeymoon when the war started. They were sleeping at home with their grandmother and their cousin, also a soldier. He was in another room and was not harmed.



An Azerbaijani strike destroyed the home of Svetlana Mkrtchyan, 83, killing her and her two grandsons, both soldiers, in Stepanakert, on 6 November 2020. A third grandson, also a soldier, survived unharmed. © Amnesty International

MARTUNI - STRIKES KILL CIVILIANS

“Victoria was our little angel. She is gone ... My little boy now still wakes up saying that there are planes in the sky bombing.”

The mother of an eight-year-old girl who was killed on 27 September 2020.

Eight-year-old Victoria Gevorgyan was mortally wounded outside her home and her two-year-old brother Artsvik was badly injured in the early morning of 27 September, the first day of the war.

Their mother, Anahit Gevorgyan, told Amnesty International:

I was sleeping with the children and my husband woke me up and said that maybe the war had started. So we packed some clothes to leave. I was waiting outside with the children and my relatives and neighbours. We were waiting for my husband to bring the bus (he is a bus driver) and take us away. A drone struck and I fainted. When I regained consciousness, I was looking for my children and saw the roof of the house being blown off by another explosion. I was injured. My children were injured. Victoria had wounds to the head and chest and Artsvik had wounds to the head, arm and leg.

My husband put us on the bus and drove us to the hospital but on the way there was another strike on a house as we passed and the bus was hit by shrapnel. Victoria died shortly after we got to the hospital. Now my little boy still wakes up saying that there are planes in the sky bombing and that Victoria is injured and mum is on the ground. He is still traumatized.

A neighbour told Amnesty International that there were 12 strikes in the space of four minutes and that the first strike was a Grad rocket. Amnesty International could not establish what munitions were used in the strikes, or whether some were air-delivered by the drones which witnesses said were hovering in the sky at the time.

About 100 metres from the Gevorgyan family home an Azerbaijani drone was shot down by Armenian soldiers. It is not clear when the drone was shot down or whether there were any military targets in the area at the time of the strike which killed Victoria and injured her mother and little brother. On 28 September Armenian media reported that local journalists had been chased by a drone in Martuni,¹⁹ and on 29 September the same media claimed that Armenian forces had already shot down 50 Azerbaijani drones, but without mentioning the specific locations where they were found.²⁰

Down the road from the site of a downed Azerbaijani drone a 75-year-old man, Pargev Saghyan, was killed when his house was bombed and completely destroyed on 10 October at about 11:30 pm. His son Nelson told Amnesty International that he, his wife and children, his brother and sister-in-law, and his mother had gone to Yerevan, while his father had remained at home. When the house was bombed Pargev Saghyan was alone there. Amnesty International was not able to establish the circumstances of the strike which killed Pargev Saghyan or whether there were any military targets or activities in the area at the time of the strike.

In the afternoon of 1 October, 28-year-old Grisha Narinyan was killed in a strike which also injured two French journalists, Allan Kaval and Rafael Yaghobzadeh, who were looking at damaged houses in the town.²¹ Grisha Narinyan's brother told Amnesty International:

I knew that my brother was going around with the French journalists and when there was shelling I got worried and started to look for him. I went to the hospital and there I met the injured French journalists but there was no sign of my brother. They showed me pictures of the houses they had been looking at when the strike happened and I recognized the place and went there. There I found my brother, dead by the side of the road. He had been injured in the head and several other places.

¹⁹ <https://armenpress.am/eng/news/1029270.html>

²⁰ <https://armenpress.am/eng/news/1029382.html>. An Amnesty International researcher observed the wreckage of a drone when visiting Martuni, indicating that Armenian forces had the capability of downing Azerbaijani drones.

²¹ See Allan Kaval's account of the incident in his Facebook post of 8 October <https://www.facebook.com/allan.kaval>.

On the same day Henri Mirzoyan, a 74-year-old retired soldier with a disability, was injured when his home was struck by a Grad rocket which completely destroyed the upper floor. He told Amnesty International:

We were sitting outside in the courtyard having lunch—me, my wife, our female relative and our male neighbour. It was about 11:30 am or noon. Suddenly a Grad rocket hit our house, the upper floor. The three of them were sitting nearer to the door to the kitchen and were able to jump into the kitchen and were not injured. I was sitting on the outer side of the table and was thrown to the ground. My neck got twisted and I was on the ground unable to move or to speak. I was taken to hospital here in Martuni and then to the hospital in Stepanakert. When I was discharged from hospital we went to Goris, because Stepanakert was not safe. We only returned from Goris today (13 December) but the upper floor of our home, where the bedrooms are, is destroyed.



Henri Mirzoyan, 74, outside his home in Martuni, damaged by a Grad rocket fired by Azerbaijani forces on 1 October 2020. © Amnesty International

Satellite imagery shows that Armenian forces had a presence in Martuni, including military vehicles bunkered in revetments.

MARTAKERT - A FAMILY DESTROYED

“Both my parents and my aunt were killed in front of me. I don’t want to remember that moment”

A man who lost three family members in a strike on 30 September.

Lyuba Khachatryan, age 63, her husband Hrant Khachatryan, age 66, and her sister, Larissa Harutyunyan, age 67, were killed, and their son Davit Khachatryan was injured, when a Grad rocket struck the entrance of a building opposite the family’s fruit and vegetable shop on Azatamartikneri street in the early afternoon of 30 September. Davit Khachatryan was injured in both legs and was still recovering when Amnesty International met him. He said:

What can I say? Both my parents and my aunt were killed in front of me. I don't want to remember that moment. The injuries to my legs are healing but the memory of that day isn't. We were working in the shop as any other day when the explosion happened. I don't remember anything else.

The Grad rocket was still lodged in the steps at the entrance of the building opposite the Khachatryan's shop when Amnesty International visited in mid-December.



Remains of a Grad rocket fired by Azerbaijani forces embedded in the steps of a building across the road from the shop where three members of the Khachatryan family were killed in Martakert on 30 September 2020. © Amnesty International

On the same day several other strikes were launched on the city, including a salvo of Grad rockets which hit several locations along Azatamartikneri Street, about 1-1.3 km from the site of the earlier strike, and which was caught on the local traffic police surveillance camera. One of the Grad rockets exploded as Artur Arustamyan, a 54-year-old music teacher, drove past. He told Amnesty International:

As I was driving along the road was very quiet then suddenly I felt the car shaking and I stopped the car, opened the door and threw myself to the ground. I was in a lot of pain. Then someone came and took me to hospital. I had a gashing wound at the back of my head and wounds on both legs. I had surgery at Yerevan hospital; they took out some shrapnel from my head but there is still some remaining.

When Amnesty International met him in mid-December he had still not fully recovered and still walked with difficulty. One large fragment of the Grad rocket which exploded near Artur Arustamyan's car was still lodged in the middle of the road when Amnesty International visited the area in mid-December.

STRIKES INTO ARMENIA

Rockets fired by Azerbaijani forces also landed in areas of Armenia close to the borders with Nagorno-Karabakh. At least two civilians were killed in such strikes. One of them, Davit Hovannisyan, a 43-year-old father of four, was killed in the afternoon of 2 November while driving his minivan in Davit Bek, a village next to the border. His sister-in-law Gayane Gevorgyan told Amnesty International:

We were staying in Kapan [25 km to the south-west] because of the war; most of the residents of our village went to stay in Kapan during the war. That afternoon Davit drove me and my father back home [to Davit Bek] to get some clothes and food. We came at about 3pm and at about 5pm we left to go back to Kapan. Davit was driving, my

father was sitting next to him and I was sitting in the back. As we drove up the road to leave the village our car was hit. Davit's throat was slashed by shrapnel and he died on the spot and I was injured in the leg.

According to Gayane Gevorkyan's father, the rocket which struck the road near their passing vehicle was part of a salvo of Grad rockets which landed around the village, including one in the cemetery. Another villager was also reportedly injured in the same strike. Damage from rocket strikes was still visible in various parts of the village when Amnesty International visited in early December, with several houses showing shattered windows and shrapnel damage on the walls.

RECOMMENDATIONS

AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENTS OF ARMENIA AND AZERBAIJAN TO:

- Fully respect international humanitarian law, including the obligation to protect civilians from the effects of hostilities, and to comply with the prohibition of direct attacks on civilians and civilian objects and the prohibition of indiscriminate and disproportionate attacks; specifically to refrain from using explosive weapons with wide area effects, such as artillery, in the vicinity of concentrations of civilians;
- Publicly make clear and firm commitments regarding the above;
- In light of these commitments promptly, thoroughly, effectively and impartially investigate reported violations of international humanitarian law, including the attacks documented in this publication, identify all those responsible, from among members of their armed forces and of forces under their overall command, and, where there is sufficient admissible evidence of criminal responsibility, bring them to justice in proceedings that respect fair trial standards;
- Without delay, provide full and adequate reparations to all victims of violations of international humanitarian law;
- Ensure that cluster munitions are never used in any future military action, and firmly commit to their decommissioning and destruction;
- Publish and exchange full and detailed information, including maps, precise geolocation, etc., on all areas and instances in which cluster munitions, landmines and other explosive ordnance has been used, to ensure safety of civilians and facilitate its timely clearance and safe disposal; ensure that the public are made immediately and fully aware of the dangers of unexploded ordnance and of the exact locations and areas affected by it;
- Take steps to become parties to the Convention on Cluster Munitions as soon as possible;
- Create the necessary conditions for the safe, dignified, sustainable and voluntary return of displaced Armenians and Azerbaijanis to their homes in the villages and towns affected by the conflict, including through programmes of reconstruction of destroyed homes and of civilian infrastructure, and the creation of safe and adequate conditions for civilian populations;
- Design, promptly put in place and provide adequate funding and other resources for programmes of support and compensation for displaced families and individuals, including those who are considering return to their original places of residence but have lost their homes and livelihoods;
- Create a mechanism for effective monitoring of safety and human rights of respective populations, of cultural and religious sites and buildings, and of private property, and ensure their restoration and prevent any possible further damage, including vandalism and punitive destruction. Consider involving relevant regional and international organizations that can provide relevant experience, expertise and impartial oversight in the implementation of these tasks.

AMNESTY INTERNATIONAL ALSO URGES THE INTERNATIONAL COMMUNITY TO:

- Monitor the situation and exert every effort to ensure that both sides are fully compliant with their obligations under international humanitarian and human rights law, and document and publish any information where respective obligations are, or are alleged to be, violated.
- Ensure that both sides take prompt, tangible and effective steps to investigate reported violations, identify and bring to account the perpetrators, and provide full and adequate reparation to the victims.

**AMNESTY INTERNATIONAL
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TO ONE PERSON, IT
MATTERS TO US ALL.**

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IN THE LINE OF FIRE

CIVILIAN CASUALTIES FROM UNLAWFUL STRIKES IN THE ARMENIAN-AZERBAIJANI CONFLICT OVER NAGORNO-KARABAKH

Both Armenian and Azerbaijani military forces carried out disproportionate and indiscriminate attacks— prohibited under international humanitarian law—during a 44-day conflict in September to November 2020 over control of the Nagorno-Karabakh region and surrounding territories, unlawfully killing scores of civilians and wounding hundreds more. The two sides used notoriously inaccurate and indiscriminate weapons in populated civilian areas, including internationally banned cluster munitions and other explosive weapons with wide area effects in populated civilian areas – in violation of international humanitarian law.

Amnesty International carried out on-the-ground investigations in November and December 2020 in Armenia and Azerbaijan, including in the Nagorno-Karabakh region, and documented strikes from both Armenian and Azerbaijani forces on civilian residential areas. Among the victims were children as young as one and older people in their 70s and 80s.

Amnesty International calls on both sides to promptly, thoroughly, effectively and impartially investigate reported violations of international humanitarian law, including the attacks documented in this publication, ensure that those responsible are held accountable in proceedings that respect fair trial standards, provide reparations to all victims of violations of international humanitarian law, and commit to never again using cluster munitions and to refraining from using explosive weapons with wide area effects in populated areas.