

Armenian National Council of South America

UPR Report– Fourth Cycle



The Armenian National Council of South America (CNA in Spanish) is an organization which, since 1965, is responsible for developing strategies and action programs aimed to promote respect for Human Rights before the different official bodies, organizations, governments, the media and the public opinion. It also carries out initiatives that seek to make visible and denounce such human rights violations perpetrated against vulnerable populations.

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Introduction

The present report has the goal to present the human rights violations committed by Azerbaijan over the population of the Republic of Armenia and Artsakh(Nagorno-Karabakh) since september 2020.

Racial Discrimination

Azerbaijan has been perpetrating racial discrimination against Armenians for many years. The promotion of anti-Armenian sentiment is an official policy of the state, taught in schools and even endorsed by the highest levels of government, including President Aliyev himself. These discriminatory actions are targeted at individuals of Armenian descent, regardless of their actual nationality. The ICJ has therefore unanimously called for provisional measures to be taken, in accordance with Azerbaijan's obligations under the CERD. This includes the prevention of the incitement and promotion of racial hatred and discrimination, not only by officials but also by public institutions, directed towards individuals of Armenian ethnic or national origin.

As a result of this State-sponsored policy of Armenian hatred Armenians have been subjected to systemic discrimination, ethnic cleansing, mass killings, torture and other abuse, any expression and traces of the national-cultural, religious identity of the Armenians were destroyed, erased and falsified in a systematic way at the state level. Hundreds of thousands of Armenians have already fled Azerbaijan, and those who remain must hide their ethnic identity.

Members of the Azerbaijani government have made racially discriminatory statements against Armenians. On August 4, 2022, Member of Parliament of Azerbaijan, Fazil Mustafa, in an interview said, “[i]f an Armenian wants to live here, he/she must come to an agreement with me. Otherwise, if he/she wants to live by resisting me, I will crush his head.”¹

Azerbaijan has also suppressed the speaking of the Armenian language. According to Azerbaijan, there are as many Armenians living in Azerbaijan as ethnic Russians.² Yet while nine minority languages are used in schools—including Russian, Georgian, and Talysh—Armenian is not among them.³

Not even foreign nationals are immune. Any indication of Armenian ethnic origin is sufficient reason to deny entry into Azerbaijan.⁴ The UN Human Rights Committee has scrutinized this practice, noting with concern reports that “foreigners with Armenian surnames have been prevented from entering the State party regardless of their nationality.”⁵

Indeed, prejudice against Armenians “is so ingrained that describing someone as an Armenian in the media” is “an insult that justifies initiating judicial proceedings against the persons making such statements.”⁶ Given also the Government’s own “condon[ing] [of] racial hatred and hate

<https://artsakhombuds.am/en/document/951>

² The State Statistical Committee of the Republic of Azerbaijan, Population of Azerbaijan (2021)(certified translation from Azerbaijani), p. 21.

³ See Council of Europe, Advisory Committee on the Framework Convention for the protection of national minorities, Fourth Opinion on Azerbaijan – adopted on 8 November 2017, No. ACFC/OP/IV(2017)006 (2017), paras. 16, 77, 78.

⁴ See “Moscow demands that Baku stop discriminating against Russians with Armenian last names,” Tass, 05 July 2017.

⁵ UN Human Rights Committee, Concluding observations on the fourth periodic report of Azerbaijan, UN Doc. CCPR/C/AZE/CO/4, 16 November 2016, para. 44.

⁶ ECRI Report on Azerbaijan (fourth monitoring cycle), 31 May 2011, para. 99.

crimes,”⁷ impunity for offenses against Armenians prevails.

In 2020, Azerbaijan engaged in severe violations of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) during the armed conflict. To commemorate these violations, Azerbaijan's State-owned postage stamp company issued a stamp depicting the chemical "disinfecting" of Nagorno-Karabakh. This action has been compared to the use of genocidal symbolism by a state actor, which has not been seen since Nazi Germany, according to an observer.⁸ Following the recent conflict, Azerbaijan's establishment of a "Military Trophies Park" in Baku is evidence of the prevalence of anti-Armenian sentiments in Azerbaijan and a continuation of its anti-Armenian policies.⁹ The "Military Trophies Park" includes deliberately exaggerated and humiliating depictions of Armenian soldiers in demeaning positions with exaggerated, anti-Armenian features, perpetuating anti-Armenian stereotypes.¹⁰

Under the ICERD, Azerbaijan has undertaken, *inter alia*, to “engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”¹¹ Azerbaijan is similarly obligated to “pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms.”¹² The obligations under the ICERD being of an *erga omnes partes* character.

Recommendations:

- *Eliminate racial discrimination, combat prejudices that lead to racial discrimination, and ensure the adequate development and protection of Armenians.*
- *Provide effective protection and remedies against acts of racial discrimination.*
- *Legally define ‘racial discrimination’ that is consistent with Article 1 ICERD and ensure that all manifestations of racial discrimination, both direct and indirect, are prohibited and punished.*
- *Ensure conformity of relevant legal provisions with Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) by enacting laws that explicitly prohibit and penalize the promotion of racial superiority, dissemination of propaganda that promotes and incites racial discrimination, and incitement of racial hatred.*
- *Refrain from practices of ethnic cleansing against Armenians; refrain from engaging in, glorifying, rewarding or condoning acts of racism against Armenians.*
- *Refrain from engaging in or tolerating hate speech against Armenians, including in educational materials.*
- *Ensure that individuals with Armenian surnames who are foreign nationals are not subjected to arbitrary and discriminatory denial of entry to the country.*

⁷ ICERD Committee, Concluding Observations on the combined seventh to ninth periodic reports of Azerbaijan, UN Doc. CERD/C/AZE/CO/7-9 (10 June 2016), p. 3.

⁸ Alexander Galitsky, “Azerbaijan’s Dehumanization of Armenians Echoes Horrors of Holocaust,” *The Times of Israel*, 30 January 2021.

⁹ Bahruz Samadov, “Perspectives: Azerbaijan’s authoritarianism and Baku’s ‘Military Trophies Park,” *Eurasianet*, 16 April 2021.

¹⁰ Neil Hauer, “Azerbaijan’s ‘Ethnic Hatred’ Theme Park Draws Ire, Imperils Reconciliation,” *Radio Free Europe/Radio Liberty*, 22 April 2021.

¹¹ Article 2 of ICERD.

¹² *Ibid.*

- Condemn the repeated and unpunished use of inflammatory warmongering language by high-level politicians speaking about Armenia and the Armenians and its adverse impact on public views.

The Human Rights of Displaced Persons

Due to Azerbaijan's hostile actions and intentional attacks on non-military targets, a majority of the population of Nagorno-Karabakh, which amounts to more than 90,000 people or 60% of the population, were compelled to leave their residences and seek safety elsewhere.¹³ To put it in different words, a large number of Armenian people from Nagorno-Karabakh have been forced to leave their homes twice due to the actions of Azerbaijan. Azerbaijan has played a role in unlawfully displacing Armenians from their homes. The Committee on Economic, Social and Cultural Rights (CESCR) has expressed its worry about the unlawful occupation of properties owned by Armenians by refugees and internally displaced persons.¹⁴ The ECRI has similarly noted that, “according to several reports, some refugees and IDPs are illegally occupying private properties belonging to ethnic Armenians,” and that “no measures have been taken to ensure that financial or material compensation [is] awarded to the victims of such illegal occupations”,¹⁵ nor those who fled areas now under Azerbaijan’s control have no prospect of return,¹⁶ as Azerbaijan has prevented the return of Armenians to areas it now controls solely on account of their ethnic origin.¹⁷ As of May 2021, some 36,989 persons were in a refugee-like situation in Armenia. 15-20 000 of them reportedly come from regions now under the control of Azerbaijan.¹⁸

The challenges and needs of the population displaced by the war remain significant even one year after the war ended.

Recommendations:

- Allow safe and dignified return of displaced Armenians to their homes, providing additional forms of reparation for any harm, loss or injury suffered by Armenians that is not capable of full reparation by restitution, including by providing compensation to displaced Armenians until such time as it becomes safe for them to return to their homes.

- Stop falsifying statistics on internally displaced persons and refugees by applying a misleading methodology of accounting (Armenia).

- Persons displaced by the conflict have the right to return to their homes or places of habitual residence. Returns should be voluntary, and they should be carried out in conditions of safety and dignity. Accurate information should be provided to candidates for return in order to ensure that their choice is informed.

¹³ See “The Updated Edition of The Second Interim Report on the Azerbaijani Atrocities Against The Artsakh Population In September-October 2020,” 18 October 2020.

¹⁴ CESCR, Report on the Thirty-Second and Thirty-Third Sessions, E/2005/22, E/C.12/2004/9 (2005), para. 493.

¹⁵ ECRI, Second report on Azerbaijan, 24 May 2007, para. 78.

¹⁶ “Thousands of Armenian civilians flee their homes in wake of Nagorno-Karabakh truce,” france24, 12 November 2020.

¹⁷ See “First of all displaced persons from Hadrut, Shushi of latest war must return – MFA on Aliyev remarks,” Armen Press, 27 February 2021.

¹⁸ Memorandum on the humanitarian and human rights consequences following the 2020 outbreak of hostilities between Armenia and Azerbaijan over Nagorno-Karabakh, Council of Europe, Commissioner for Human Rights, 08 November 2021.

The Right to Property

Since the people of Artsakh have exercised their right to self-determination and declared their independence in 1991, over the past 28 years, enormous work has been carried out in Artsakh for reconstruction and development of the country, which was completely devastated after the first war unleashed by Azerbaijan. Houses, hospitals, schools and infrastructure were built to meet the social needs of the population, including tens of thousands of refugees and internally displaced persons. The authority of Artsakh has ensured the human rights and fundamental freedom for everyone, including right to development.¹⁹

After the Second Artsakh War, the country was destroyed again. Thousands of people lost their movable and immovable property as a result of indiscriminate and targeted attacks by Azerbaijan on civilian objects and infrastructures.

Many private properties, businesses, years of investments, infrastructure, hydro power plants, schools and agricultural lands remained in the territories of Artsakh that are currently under the control of Azerbaijan. Displaced population of 118 communities²⁰ are not able to return to their homes, have access to their property, and are deprived of their right to exercise control over their properties. This property also included all the pastures, forests, and the agricultural lands, which were the source of livelihood for the population residing in the area.

Nonetheless, more than 40,000 people have been dispossessed of their homes and property because of Azerbaijani offensive and ongoing occupation.

Recommendations:

- *Provide effective and prompt reparation for the harm suffered due to deprivation of property rights, in line with the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of IHL.*
- *Protect and preserve the properties of displaced people and refrain from destroying or altering or erasing the properties or transferring to unlawful users/beneficiaries.*

¹⁹ See Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986

²⁰ See [the list of Communities in Armenian](#).