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**CAPSTONE PROJECT**

**Investigation of violations committed by Armenia during the Karabakh conflict within the framework of international humanitarian law norms.**

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**LIST OF ABBREVIATION**

IHL- International Humanitarian Law

ICJ- International Court of Justice

OSCE- Organization for Security and Cooperation in Europe

UN- United Nations

UNSC- United Nations Security Council

UNESCO- United Nations Educational Scientific and Cultural Organization

**Abstract**

*The Karabakh region has been characterized by recurring armed battles and shaky ceasefires, deriving from Armenia's territorial claims over Azerbaijan, resulting in losses on both sides. Significant property devastation and human relocation have also resulted from the violence. This*

*research highlights the insufficient examination of violations attributed to Armenia, despite accusations of violations of humanitarian law against both parties. Such military confrontations are detrimental to the advancement of sociopolitical development, particularly in areas of ethnic diversity such as Nagorno-Karabakh where respect for human rights is important. The purpose of this capstone project is to examine how little international humanitarian law has been done to look into Armenian transgressions. The study will employ qualitative approaches, including in-depth interviews with specific specialists in Azerbaijan, and make use of both primary and secondary data sources. With an emphasis on the opinions of attorneys and specialists in security and international humanitarian law, these interviews will collect descriptive data to comprehend the shortcomings of the investigations into Armenia's activities during the Karabakh conflict.*

## **CHAPTER 1. INTRODUCTION**

The Karabakh region has been marked by a series of endless military engagements and fragile ceasefires. Armenia had a territorial claim over Azerbaijan, leading to loss of lives from both sides. According to the Prosecutor General's Office of Azerbaijan, about 120 civilians lost their lives with 416 injured during the second Karabakh war (Lmahamad, 2020). Additionally, the intensified military engagement in the region led to the destruction of property, with some people

being displaced. Although the humanitarian law norms violations during the conflict in the region have been levelled against both sides, the overarching research focuses on the insufficient investigation of the same attributed to Armenia. The Karabakh conflict is multifaceted and involves geopolitical interests in the South Caucasus, complicating the adoption of accountability mechanisms as stipulated under the international humanitarian law norms (Davtyan, 2023).

## **1.1 Background Information on the Conflict**

While the negative impact of the Nagorno-Karabakh conflict such as death and loss of properties was felt in the late 1990s and early 2000s, its origin has a long history. A systematic literature review of the conflict, (Hamlin, 2023) argues that the beginning of the territorial conflict was the breakup of the Russian Empire in 1918. During that year, the Armenians living in that region formed a polity which was unrecognized (Yémelianova, 2023). Following pressure from the Azerbaijan and British the polity was called to recognize the authority of Azerbaijan in 1919. The situation was worsened after the Paris Peace Conference was inconclusive on the Nagorno-Karabakh situation. Consequently, there was a significant negative consequence for international relations and future conflicts.

The failure of the Paris Peace Conference to address the situation in Nagorno-Karabakh led to the issuance of the ultimatum by the Azerbaijani governor-general. The latter required all the Armenians in the region to accept permanent inclusion in Azerbaijan. Consequently, their economic, political, and social prowess would be pegged on those of Azerbaijan (Hoch, 2020). However, the Armenian leaders organized a rebellion against the Azerbaijani rule, leading to the massacre and displacement of the Shusha-Armenians. Although the Soviet authorities gained control of the region between 1921 and 1988, their exit led to subsequent massacres which were inconsistent with the international humanitarian law framework.

The first Nagorno-Karabakh war was between the ethnic Armenians in the contested and the Republic of Azerbaijan. Although the Armenian government had no authority over the region, it sponsored the war against Azerbaijan between 1980 and 1994 (Sahakyan, 2022). On February 1988, a strategy that would unify the Armenians, and bring peace in the long-conflicted region was adopted (Hoch, 2020). However, the nearing dissolution of the Soviet Union exacerbated the situation, leading to increased tension between the ethnic Azerbaijani and Armenians. The following turmoil upon the declaration of independence in Azerbaijan led to the formation of the unrecognized Republic of Nagorno-Karabakh.

While the Karabakh conflict violated fundamental human rights, it was not after the 2008 Mardakert clashes that the United Nations (UN) took action. The presence of Armenian forces in the region exacerbated the war. Consequently, the UN General Assembly adopted Resolution 62/243 (Sahakyan, 2022). The latter assembly voted 39 votes in favour and 9 against the resolution which required the immediate removal of Armenian forces in the region (Hoch, 2020). Despite its legal authority, UN Resolution 62/243 was never followed and adopted by Armenia. The continued clash between the two countries led to the death of Azerbaijani and Armenian soldiers and civilians.

### 1.1.2 Problem Statement

Armed conflicts such as that involving Azerbaijan and Armenia can be detrimental to socio-political development. The Nagorno-Karabakh region hosts diverse ethnic communities whose human rights ought to be respected. The Natural Rights theory is one of the theoretical frameworks that informs respect for fundamental human rights (Christmas, 2020). According to John Locke, one of the theorists, life, property, and liberty are natural and inherent rights that every government must respect (Umeh, 2021). The residents in the Nagorno-Karabakh region have certain rights that are inherent to them for being human beings. In respect of natural human rights, the international humanitarian law norms advocate for respect of such rights during armed conflict.

International humanitarian law plays an important role in protecting civilians and those involved in military engagement. Both Armenia and Azerbaijan are members of the UN and are subject to international humanitarian law. Armenia and Azerbaijan joined the global organization in March 1992. Consequently, the decisions made by the UN General Assembly and Security Council are binding to the two countries. Although the two countries are members of the UN, Armenia's aggression against Azerbaijan grossly violated international humanitarian law (Davtyan, 2023). There is a need to investigate the extent to which the violations are detrimental to peace-keeping in the Nagorno-Karabakh region and Azerbaijan at large.

International humanitarian law, through various protocols and treaties, provides a framework for investigating individual state countries for human rights violations in an armed conflict setting. The Geneva Convention of 1949 and Additional Protocols require states that are involved in an armed conflict to protect the wounded sick soldiers (Mangku, 2021). The Additional Protocols I and II expanded the protection to international and non-international conflict (Mangku, 2021). Consequently, member states are prohibited from harming civilians when they are involved in an armed conflict. While there exists a humanitarian international law framework for investigating member states who commit violations against human rights in an armed conflict, there is insufficient investigation of violations by Armenia during the Nagorno-Karabakh conflict.

The insufficient investigation of violations caused by Armenia during the conflict is due to several factors.

Despite a call to make peace with Azerbaijan from different stakeholders, the Armenian military severed investigators' access to the region by planting landmines and associated blockades (Davtyan, 2023). Consequently, it was difficult for the UN and the International Committee of the Red Cross (ICRC) to access the area and offer humanitarian support needed by the civilians in the conflicted region. Furthermore, the political sensitiveness of the area exacerbated any effort to bring peace under international humanitarian law. The region involves deep-seated nationalistic sentiments between Azerbaijan and Armenia. Therefore, any international effort to bring peace and account for the causalities was interpreted politically, making it ineffective.

The failure to sufficiently address the conflict is associated with killings and destruction of property by Armenians.

While the political nature of the conflicted region has made it difficult to accurately determine the number of casualties of the conflict, the Azerbaijan government in its various reports and

press releases has estimated the number. In 2016, about 112 Azerbaijan soldiers and 9 civilians were killed (Lmahamad, 2020). The number skyrocketed in 2020 when thousands of soldiers and more than 200 civilians were killed (Ministry of Defense of the Republic of Azerbaijan, 2021). The increase in the number of armed conflict killings has a negative social, political, and economic impact on Azerbaijan and those in the Karabakh region. Despite the increase in the number of civilian killings during the Karabakh conflict, there has been insufficient effort from both the international community and the involved parties. Therefore, the investigations into the actions of Armenia have been insufficient, exacerbating the accountability of those involved.

Table 1.0 summarizes the estimated number of civilians and soldiers killed during the conflict.

Table 1: Summary of the Number of Killings

Year	Azerbaijan Casualties		Azerbaijan Casualties		Total Casualties
	Soldiers	Civilians	Soldiers	Civilians	
2008	n/a	0	n/a	0	30
2009	n/a	0	n/a	0	19
2010	7	0	18	0	25
2011	10	0	4	1	15
2012	14	0	20	0	34
2013	7	0	12	0	19
2014	27	6	37	2	72
2015	42	5	64	0	82
2016	112	9	109	6	236
2017	22	0	19	0	41
2018	5	0	6	0	11
2019	4	0	6	0	13
2020	2906	100	3825	85	6916
All Time Totals	3156	120	4120	94	7490
Data Sources: (Lmahamad, 2020); (Ministry of Defense of the Republic of Azerbaijan, 2021); (Demourian, 2020); and (Nagorno Karabakh Observer, 2018)					