

# Protection of human rights in the aftermath of Artsakh war



International  
Center for  
Human  
Development

a Think Tank

During the military actions in Artsakh, Azerbaijan violated the international humanitarian law and human rights, targeted civilians. After the war stopped, both Armenia and Artsakh faced a grave humanitarian crisis, as over 100 thousand forcibly displaced people from Artsakh have been deprived of their rights to life, health, security and minimal standards of living.

## **The vulnerable population of the unrecognized state: humanitarian crisis**

Since the first days of the war, the Human Rights Defender's Offices both in Armenia and Artsakh reported about the atrocities committed by Azerbaijani forces against ethnic Armenians, about targeting civilians and using prohibited weapons, about torture of Armenian Prisoners of War (POW) and concerted hate speech against Armenians encouraged by the Azerbaijani state agencies. All these reports were regularly sent to relevant international agencies. Still, the international community did not provide a timely, targeted and effective response to the issues raised in these reports during the escalation of the conflict and continues to do so until now.

State agencies in Armenia and Artsakh attempted to organize visits of the representatives of the international organisations and civil society organisations to Artsakh in order for them to have a clear idea of the events on the ground and to register the violations of human rights. However, these attempts largely failed because of the restrictions of the mandates of these organizations. Moreover, the long years of Azerbaijan's efforts to ban any international involvement in Nagorno Karabakh were bearing fruit.

However, the founding principles of protection of human rights are universality of these rights and exclusion of discrimination on any grounds. These principles have been ignored in Artsakh for decades and even more so during the war, because the mechanisms to protect human rights were lacking. International organizations do not implement any initiatives in Artsakh, and their arguments to support this stance vary.

In parallel to the restrictions against direct engagement in Artsakh, international organizations often do not ensure availability of rapid response mechanisms to address human rights violations reported by relevant duty bearers. Therefore, the international community does not act as an agent to prevent violations of human rights or protect those, but rather engages post-factum through supporting initiatives to mitigate the consequences of the humanitarian crisis.

Many in Artsakh had to leave their homes. About 60 thousand returned to Artsakh, yet many have stayed back in Armenia. At the beginning of the escalation of the conflict, the majority of the displaced people found shelter thanks to the generosity of individuals and CSOs, and only later on relevant public programmes of support were developed. However, there is still a need to systematically assess the needs of these people, and the lack of such effective mechanisms is a hindrance towards long-term and sustainable protection of human rights of these people. Multi-disciplinary support is critical to address not only social-economic, but also security and psychological needs of people.

The issue of human rights, especially in regards to the right to life is even worse in Artsakh. Even after signing the cease-fire agreement on 9 November, Armenians had been killed and taken POW. Obviously, Armenians of Nagorno Karabakh need additional mechanisms for protection of their fundamental rights.



19 Sayat Nova  
Yerevan 0001  
Armenia

Tel.: +374 10 582638  
Fax: +374 10 527082

mail@ichd.org  
www.ichd.org

## What shall be done without any delay?

First, it is necessary to initiate concrete steps for expanding the engagement of international organizations in Artsakh. It is vital for the international organizations and foreign states to provide humanitarian aid not only to people having found shelter in Armenia, but also to those who have already returned to Artsakh. In this regard the large-scale state support provided by the Russian Federation is significant. Apparently, for Russia the status of Artsakh, the fact that it is not recognized by the UN Security Council, is not an obstacle for not providing direct support to Artsakh, and this precedent should be voiced in the international community. If working with public agencies in Artsakh is an issue, international organizations can work with CSOs there. Still, reluctance to work with Artsakh state agencies can be overcome if the well-known principle of "Engagement does not mean recognition" is duly reminded and regularly communicated to the international organisations.

It is necessary to work very intensively with the international organizations in order for the latter to take concrete measures to stipulate the principle of universality of human rights, including protection of human rights directly in Artsakh, or to develop rapid response mechanisms to address the cases of human rights violations reported by duty bearers.

When the mandates of international organizations restrict their direct involvement and monitoring of human rights in the conflict area, it is necessary to consider whether the Human Rights Defender of Armenia can be recognized as the mechanism of rapid response by the international community. The Human Rights Defender of Armenia has already been granted such a mandate by both international conventions and local legislation in regards to monitoring the situation on protection of the rights of children, people with disabilities and on prevention of torture.

Armenophobia and atrocities against ethnic Armenians imply existential threats for Armenians in Artsakh, as well as violate their rights to life, security, property. The recorded evidence on such violations should be presented on various international arenas as a mechanism for protection of the rights of people of Artsakh. It is necessary to not only continue to record this evidence, but also to make efforts at developing an effective communication strategy to present this evidence, including accurate statistics and human stories. Human rights of the people of Artsakh should be the axis of Armenia's communication with the international community.

*The policy brief is elaborated based on the results of the online off-the-record discussion "Protection of human rights in post-war Artsakh and effectiveness of international mechanisms", held on 22.12.2020. The online discussion brought together members of the National Assembly, state officials, independent experts and representatives of the international development partners.*