



**Commissioner for Human
Rights (Ombudsman) of the
Republic of Azerbaijan**

THIS IS MADINA.

SHE WAS ONE YEAR OLD.
ARMENIAN TERRORISTS KILLED HER BY ATTACKING
CIVILIANS IN GANJA (AZERBAIJAN) ON OCTOBER 17, 2020.
HER PARENTS WERE ALSO KILLED. HER ELDER SISTER
IS THE ONLY SURVIVOR.



Report of the Fact-Finding Mission

*concerning the mass human loss, injuries and destructions
occurred as a result of ballistic missile attack on Ganja by
Armenia's armed forces*

17-18 October 2020

Baku - 2020

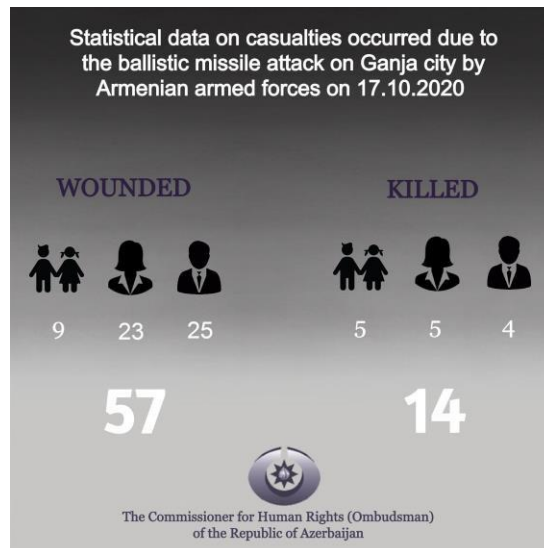
I. Introduction

1. On 17 October 2020 around 01:00 a.m. at night, Armenia's armed forces, which continue to commit crimes against peace and humanity and acts of terrorism frequently using military provocation to kill civilian population of Azerbaijan, launched ballistic missile attack from the territory of Armenia on the densely populated areas of the city of Ganja, located 100 km far beyond the conflict zone.

2. It is the fifth time that the military of Armenia shelled Ganja city using internationally prohibited weapons, three out of which hit heavily populated areas and caused extensive casualties. Consequently, Armenia's another military attack against the row level of houses in Ganja caused not only massive loss of human lives and injuries to civilians, but also left civilians extensive trauma and psychological damage.

3. The Commissioner for Human Rights (Ombudsman) of Azerbaijan, Sabina Aliyeva has established a Fact-Finding Mission on Ganja to investigate on the spot the above-noted facts of serious violations of fundamental human rights and freedoms of a civilian population. This is the Ombudsman's Third Report of the Fact-Finding Mission on Ganja, where war crimes have been committed.

4. The Report has been prepared based on the findings, amassed on the spot by the Ombudsman's Fact-Finding Mission on Ganja and covers the period from 17 to 18 October 2020.



This image shows the statistical data on civilian casualties caused by the ballistic missile attack of the Armenian military on Ganja city on 17 October 2020.

II. Brief Information about the city of Ganja attacked by the Armenian armed forces

5. Ganja city, dated back to the fifth century BC, played an important role in the history of Azerbaijan at various times. It is located at an altitude of 400-450 meters above sea level in the west of Azerbaijan, 375 km west of the capital city Baku, and in the northeastern foothills of the Lesser Caucasus on the Ganja-Gazakh plain in the Kur-Araz lowland.
6. One of the first territories of human civilization was the historical territory of Ganja, an integral part of Azerbaijan. As a result of scientific and archeological researches, it has been recognized that Ganja is the cradle of science and culture not only in Azerbaijan, but in the East as a whole.
7. In terms of population (as of January 1, 2019, the population of Ganja - 334.0 thousand people, and the population density was 3036 people per 1 km²) is the second largest and industrial city in the country, after Baku and Sumgayit. Most of the total industrial output falls on non-ferrous metallurgy, light and food industries, electronics and instrumentation.
8. Ganja, the second largest city of Azerbaijan with a long history, is located 100 km far beyond the conflict zone.
9. Ganja city has been for the third time subjected to intentional attack by prohibited tactical ballistic SCUD/Elbrus missile with operational status from the territory of Armenia that caused excessive loss of life and damage. Around the missile-affected civilian areas there was not any military to target, which once more approves that this military provocation is an act of terrorism directed at civilians.



III. Information on the ballistic missile attack on Ganja city from the territory of Armenia causing civilian casualties for the third time

10. Armenia continues its war crimes, crimes against humanity and terror acts resulted in deliberate and indiscriminate killing of peaceful citizens, caused injuries to civilians and damage to civilian settlements are grave violations of international law as a part of its aggressive and detestable policy.

11. Thus, the facts of excessive human casualties, including killing of 14 (including 4 men, 5 women and 5 children) and the badly injured of 57 persons (including 25 men, 23 women, and 9 children) as a result of fires at the central part of Ganja city from Armenia using ballistic missiles, which were prohibited by treaty,¹ on 17 October 2020 around 01:00 a.m. at night time, once more clearly evidence that.

12. Simultaneously, the damage to row level of houses and other civilian objects being affected by the effects of explosive weapons in populated areas² caused widespread damage to civilians.³ For that reason, 20 private house were totally destroyed, and many houses, civilian objects around, including 4 kindergartens, one secondary school and a child clinic were damaged.

13. Hence, Armenia has blatantly breached the UN Charter, general norms and principles of international law, international law of war, particularly 1949 Geneva Conventions and their Additional Protocols, as well as the agreement on humanitarian ceasefire between Azerbaijan and Armenia, proclaimed on 10 October 2020, at 12:00 p.m.

14. The Ombudsman of Azerbaijan has issued another Statement of protest to call international community and NHRIs to demand from Armenia to put an end to its criminal acts and to take decisive and binding decisions that establish international legal responsibility. The Statement in question was addressed to the UN Secretary-General, UN Security Council, UN OHCHR, UNHCR, UNHRC, UNICEF, UNESCO, EU, CoE, OSCE, IOI, EOI, AOA, OIC and its Ombudsman Association in all Member States, Independent Permanent Human Rights Commission of OIC, ENOC, International Peace Bureau, various Ombudsman institutions and the NHRIs⁴.

15. The Ombudsman once again urged the international community to take prompt actions to prevent this war crime and terror acts as per international law while spreading the information about the ballistic missile attack on populated areas of Ganja city from the territory of Armenia through social networking such as Twitter⁵, Facebook⁶, and media outlets.

IV. The Third Fact-Finding Mission of the Ombudsman on Ganja city

16. The Human Rights Commissioner of Azerbaijan carried out the third fact-finding mission to Ganja city, where there have been many casualties among the civilian population and extensive damage caused by the Armenia's military using forbidden arms.

17. The objective of the fact-finding mission on Ganja was to investigate the factual evidences of serious human rights violations regarding massive human loss or superfluous injury or damage to civilians caused by the commitment of the Armenian armed forces another war

¹ <https://www.facebook.com/ombudsman.az/videos/345494153402826/>

² <https://www.youtube.com/embed/6RWUlwPNqJ8>

³ <https://www.youtube.com/watch?v=s9XPLakibDI>

⁴ <https://ombudsman.az/en/view/news/2128/statement-of-the-commissioner-for-human-rights-ombudsman-of-the-republic-of-azerbaijan-concerning-the-civilian-casualties-and-destructions-in-ganja-city-occurred-due-to-another-missile-strike-of-armen>

⁵ https://twitter.com/az_ombudsman

⁶ https://www.facebook.com/ombudsman.az/?epa=SEARCH_BOX

crime and the terror act in the City on the same day⁷ as well as to evaluate the damage to civilians under the international law in a view to draw the attention of international community to this matter.

18. Within the fact-finding mission carried out to Ganja city, the Mission of the Ombudsman of Azerbaijan established that yet another deliberate and indiscriminate bombardment of a civilian-populated residential areas by the Armenia's armed forces caused loss of lives and injuries of children, women and the aged persons and serious damage to private houses and other civilian objects. Thus, during the preliminary investigations, it was found that on 17 October, 12 persons, including 3 children were killed, 52 civilians were injured, and 2 children went missing. In parallel many civilian infrastructure were badly affected from the attack.⁸ However, during the search and rescue operations continued also on 18 October 2020 in the area of the residential buildings destroyed as a result of Armenian terror act, the corpses of those two missing children have been pulled out from the rubble. So, the number of victims – persons killed on 17 October in Ganja became 14, including five children and five women, and 57 injured, including 9 children and 23 women.

19. The Ombudsman visited also the relatives of the killed persons, the injured and met with the residents who suffered as victims of this attack and made investigations in the area of the destroyed residential row level houses and other infrastructure. The Ombudsman also visited a child who became orphan as her parents buried under the beneath of the rubble. All necessary measures to eliminate the emerging challenges have been taken on the spot jointly with the competent bodies.⁹

20. The Mission has also established that Armenia using special missile system from its territory keeps going to direct attacks at civilian population of Azerbaijan and commits war crimes and crimes against humanity and peace, that is, it blatantly breaches the binding international law.¹⁰

The following images demonstrate the damage caused by the ballistic attack on Ganja city by the Armenian military launched from the territory of Armenia:

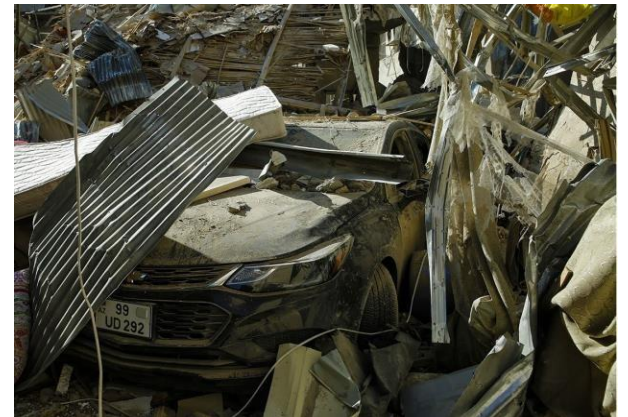


⁷ <https://ombudsman.az/en/view/news/2134/ombudsman-sabina-aliyeva-conducts-fact-finding-mission-to-ganja-city>

⁸ <https://www.facebook.com/ombudsman.az/videos/345494153402826/>

⁹ <https://twitter.com/i/status/1317825866173472768>

¹⁰ <https://ombudsman.az/en/view/news/2134/ombudsman-sabina-aliyeva-conducts-fact-finding-mission-to-ganja-city>



Photos from the meeting with the residents, who became victims of the Armenia's ballistic attack and the media on mission:



Photos from the Ombudsman’s visits to the relatives of the killed persons, the injured ones and the city residents, who became victims of the ballistic attack as well as the children, who became orphan:



The missing parents of 3-year-old Khadija, 26-year-old Zuleyha Shahbazli (mother) and 29-year-old Royal Shahbazli (father) and her sister Medina (1 year and 4 months), who were pulled out from the rubble of one of the houses destroyed by the ballistic attack by Armenian armed forces in Ganja, died. The parents of Khadija and her little sister were not alive anymore and she was not even aware of that...



As a result of this SCUD missile attack, five members of a family, including 15-year-old Asgarova Nigar Azer kzy (b.18.10.2005), were killed. Unfortunately, Nigar couldn't celebrate her 15th birthday on October 18, as she also became a victim targeted by Armenian armed forces.

Due to this grave breach of the UN Convention on the Rights of the Child (CRC), the UN Committee on the Rights of the Child (hereinafter - the Committee) should initiate a special procedure in this regard.



It is so sad to see these toys and school supply of child victims of the hatred of the Armenian political and military authorities against Azerbaijan. These children will never smile and play with their peers anymore...



On these photographic evidences amassed by the Ombudsman's Mission, the fragments of SCUD ballistic missiles fired by the Armenian armed forces at Ganja city are clearly visible, although the use of such a missile is prohibited by the IHL.¹¹



¹¹ https://www.facebook.com/ombudsman.az/videos/345494153402826/?epa=SEARCH_BOX

V. International legal evaluation of a ballistic missile attack by Armenia directed against civilian population of Azerbaijan

21. Although since 12:00 p.m. on 10 October, both parties to the conflict have agreed upon a humanitarian ceasefire, the occupant Armenia's armed forces have broken it by launching another ballistic missile attack on Ganja, the second largest and heavily populated city of Azerbaijan, which was located far beyond the conflict zone, and by committing the crimes of terror and war crimes against peace and humanity.

22. This should be noted that the UNSC Resolutions 822¹², 853¹³, 874¹⁴ and 884¹⁵ (1993) as safeguard of the international peace and security define the legal framework of political procedure of the military aggression of Armenia against Azerbaijan.¹⁶

23. The Resolutions in question, clearly condemn the occupation of the areas of Azerbaijan, declare the inadmissibility of the use of force for the acquisition of territory, reaffirm the territorial integrity, sovereignty and inviolability of national borders of Azerbaijan and demand immediate, complete and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan.

24. Another military provocation of Armenia, using of the forbidden arms and grossly violating the relevant UNSC resolutions, are war crimes and acts of terrorism directed at peaceful civilians of Azerbaijan. Therefore, those misconducts fall under the international criminal law as crimes against humanity and peace.

25. The Resolution No. 62/243 of 14 March 2008 adopted by the 86th Plenary Session of the UN General Assembly titled "Situation in the Occupied Territories of Azerbaijan" reaffirmed Azerbaijan's territorial integrity supporting for its internationally recognized borders and demanding the immediate withdrawal of the Armenian armed forces from all occupied territories there, and reaffirmed that no State should recognize as lawful the situation resulting from the occupation of Azerbaijan's territories, or render assistance in maintaining that situation.

26. However, the Government of Armenia has consistently failed to respect the UN Charter, the principles of international law and the IHL, including 1949 Geneva Conventions and their Additional Protocols, particularly the Fourth Convention Relative to the Protection of Civilian Persons in Time of War, the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and the United Nations Convention of the Rights of the Child.

27. As one of the UN Member States, Armenia fails to implement 1925 Geneva Protocol prohibiting the use of the chemical and biological weapons in war and 1949 Geneva Convention (III)¹⁷ protecting civilians, including women and children and other international obligations undertaken under extra binding international treaties applicable.

28. The UN Declaration on the Protection of Women and Children in Emergency and Armed Conflict proclaimed by GA resolution on 14 December 1974, states that attacks and bombings on the civilian population, inflicting incalculable suffering, especially on women and children, who are the most vulnerable members of the population, shall be prohibited, and such acts shall be condemned.¹⁸

¹² <http://unscr.com/en/resolutions/822>

¹³ <http://unscr.com/en/resolutions/853>

¹⁴ <http://unscr.com/en/resolutions/874>

¹⁵ <http://unscr.com/en/resolutions/884>

¹⁶ <https://www.mfa.gov.az/en/content/110/munaqisenin-huquqi-aspektleri>

¹⁷ <https://www.icrc.org/en/doc/assets/files/publications/icrc-002-0173.pdf>

¹⁸ https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.19_declaration%20protection%20women%20armed%20conflict.pdf

29. An EU Statement issued on October 17, 2020 deplored the strikes on the Azerbaijani city of Ganja, which took place on the night of October 16-17 and resulted in loss civilian lives and many injured, stating that “all targeting of civilians and civilian installations by either party must stop”.¹⁹

30. In his Statement of 18 October 2020 on the situation between Armenia and Azerbaijan, the UN Secretary-General condemns all attacks on civilian populated areas impacted by the conflict and stressed the total unacceptability of the tragic loss of civilian lives, including children, from the latest strike on the city of Ganja.²⁰

VI. Conclusions

Re-shelling of the city of Ganja from the territory of Armenia and due to a negligent act of Armenia- the other party to the dispute to settle the conflict by peaceful means caused extensive casualties and damage and superfluous injuries to the civilian population, which proves that Armenia doesn't give up its aggressive policy and is not interested in the political solution of the conflict.

Armenia has been infringing the right to life, to live in a secure environment and other fundamental rights and freedoms in gross violation of all provisions of international law, specifically applicable to peaceful citizens in war causing the unnecessary suffering and danger to the civilian lives.

War crimes committed by Armenia, which includes, in itself, elements of in-human acts, are a serious threat to the life and health of a civilian population, and international organizations and NHRIs should seriously condemn and take decisive measures to impose legal sanctions on Armenia.

Real picture: any prompt actions for legal responsibility of Armenia for its aggression against Azerbaijan has not been taken yet.

Armenia ignores to fulfill the UNSC Resolutions (822, 853, 874 and 884) on the Nagorno Karabakh conflict, the UN General Assembly Resolutions on the Situation in the Occupied Territories of Azerbaijan of 2006 and 2008, UN CRC and the UNSC Resolution 2427 on Children and armed conflict, and the power to impose international sanctions for grave violations of general principles, established by international law and IHL has not been viewed yet.

The impunity of Armenia for those international crimes against peace and humanity will arise new war crimes and acts of terrorism.

A number of leading international community members who may have a power to solve this armed conflict between two countries through negotiations in the knowledge of territorial integrity of Azerbaijan, are not only remaining silent on this issue, but also demonstrating double standards which allow the hostile side to continue its aggression.

All these violent acts lead to the unnecessary suffering or injury to civilians, including children, women, persons with disabilities and older persons, and to extensive damage to civilian property, and result in gross and mass violation of fundamental human rights and freedoms.

Ombudsman of Azerbaijan also addressed an appeal to the UNICEF Regional Director for Europe and Central Asia, Ms. Afshan Khan, regarding the frequent acts of military aggression by Armenia against territories and civilians, including children of Azerbaijan.

¹⁹ <https://www.euneighbours.eu/en/east/stay-informed/news/eu-deplores-strikes-azerbaijani-city-ganja#:~:text=On%2017%20October%2C%20the%20EU,stop%2C%E2%80%9D%20said%20the%20EU>

²⁰ <https://www.un.org/sg/en/content/sg/statement/2020-10-18/statement-attributable-the-spokesperson-for-the-secretary-general-the-situation-between-armenia-and-azerbaijan>

UNICEF Regional Office, within its mandate, should condemn indiscriminate attacks at civilians, especially children and the breach of international treaties to which Armenia is a party, in particular the Geneva Conventions and the CRC by the Armenian armed forces and take the initiative to international legal protection of their lives at all the highest levels, in particular, with high-level participation of the relevant Committee.

Article 45 (a) of the CRC gives the power to the UN specialized agencies, including UNICEF, to be represented in the review of the implementation of the provisions of the Convention within their competence. The relevant Committee may also, if it deems necessary, invite those specialized agencies and competent authorities to submit reports and expert opinions on the implementation of the Convention in the areas falling under their competence.²¹ Therefore, given the gross violation of the Convention in question by Armenia and the best interests of children, the Committee must ensure that special proceedings are instituted against the aggressor Armenia as a matter of urgency.

We do hope that UNICEF and the Regional Office will establish its fact-finding mission to the conflict-affected settlements to ensure that the best interests and fundamental rights of children of Azerbaijan affected by this military aggression are satisfied and prompt decisions will be taken.

The aggressive activity of the military and political leadership of Armenia that does not fulfill its international treaty obligations and violates the human rights of citizens of Azerbaijan must be prosecuted in an international criminal tribunal for the crimes committed.

Overall, we urge the international organizations to demand from the aggressor Armenia to be unconditionally withdrawn from all occupied territories of Azerbaijan and to stop war crimes and terrorism causing superfluous suffering to civilians and violation of their rights and freedoms and to take urgent measures to establish international legal responsibility.

²¹ <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>



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