

**REPORT OF THE 2ND OIC-IPHRC FOLLOW-UP VISIT TO ASSESS
HUMAN RIGHTS & HUMANITARIAN SITUATION IN THE TERRITORIES
LIBERATED FROM ARMENIAN OCCUPATION IN 2020**



الجنة الدائمة المستقلة لحقوق الإنسان

Independent Permanent Human Rights Commission
La Commission Permanente Indépendante
des Droits de l'Homme

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A. INTRODUCTION AND BACKGROUND OF THE OIC-IPHRC 2ND FOLLOW UP MISSION TO THE AZERBAIJAN TERRITORIES LIBERATED FROM THE ARMENIAN OCCUPATION IN 2020:

i. Mandate for the OIC-IPHRC Follow-Up Mission:

1. The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) is an independent organ of the OIC¹ with the mandate to assess and report on human rights situations concerning Muslim communities in different parts of the world in accordance with the Article 10 the IPHRC Statute² and Rule 39 h(i) & (I) & Rule 64 of the IPHRC Rules of Procedures³.
2. The 2nd fact finding visit is a follow up of the earlier OIC-IPHRC visit which took place from 22-26 September 2021. It may be recalled that as a result of the earlier fact finding visit a comprehensive report was prepared by the OIC-IPHRC which was adopted by the 48th Session of the OIC Council of Foreign Ministers (CFM) held at Islamabad, Islamic Republic of Pakistan on 22-23 March 2022⁴. The CFM welcomed the findings of the report of the OIC-IPHRC fact-finding visit to Azerbaijan to investigate the allegations of the widespread human rights violations of socio-cultural and religious rights by Armenia against the Azerbaijani population in the previously occupied territories of Karabagh⁵.
3. On the invitation of the Government of the Republic of Azerbaijan⁶, OIC-IPHRC delegation led by its Chairperson Ambassador Muhammad Lawal Sulaiman and comprising of Vice Chairperson Dr. Haci Ali Acikgul, OIC-IPHRC Commission Member Dr. Hilal AlShidhani, OIC-IPHRC Commission Member Dr. Aydin Safikhanli and the Executive Director of the Secretariat of the OIC-IPHRC Prof. Noura Zaid Arshoud undertook follow up mission from **02 to 06 September 2023** to the areas of the Republic Azerbaijan which were liberated from Armenian occupation in 2020.

ii. Salient Observations from the Report of the 1st OIC-IPHRC Fact Finding visit conducted to liberated territories in 2021:

4. The 1st fact-finding report of the OIC-IPHRC visit contains brief history of the conflict, legal status of the territories occupied by the Armenia and observations, findings and recommendations for future course of action⁷. Some salient points are given as under:
 - The delegation concluded that there is sufficient circumstantial evidence that purposeful measures were undertaken by the Armenian side, including massive contamination of the liberated territories with mines to prevent the Azerbaijani authorities and their Internally Displaced Persons (IDPs) from returning to their homes and properties. Such measures included, among others, massive militarization of the occupied territories by laying multilayer military obstacles, complete annihilation of civilian physical infrastructure, destruction and

¹ Art.5 and 15 of OIC Charter

² IPHRC Statute: https://oic-iphrc.org/docs/en/legal_instruments/OIC_HRRIT/802078.pdf

³ IPHRC Rules of Procedures: https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/111912.pdf

⁴ OIC Resolution No. 1/48-IPHRC available at <https://www.oic-oci.org/docdown/?docID=8667&refID=4261>

⁵ <https://www.oic-oci.org/docdown/?docID=8667&refID=4261>

⁶ Letter of invitation from Commissioner for Human Rights of the Republic of Azerbaijan addressed to Executive Director of the OIC-IPHRC Secretariat No. 2-5/2-16939/2023 dated 7th July 2023

⁷ Report of the OIC-IPHRC Fact Finding visit_2021 available at <https://oic-iphrc.org/pdf/Journal/2022/IPHRC-Journal-Volume-2022.pdf>

desecration of historical and cultural heritage and religious symbols, which constitute grave violations of International Human Rights and Humanitarian Laws. These violations are impeding the realization of rehabilitation and reconstruction plans for hundreds of thousands of IDPs desperately waiting to return to their homes in safety and dignity.

- OIC-IPHRC delegation expressed disappointment at the lack of cooperation from the Armenian side both to provide the maps of the installed landmines in the areas previously occupied by them as well as to provide information about the whereabouts of almost 4000 innocents Azerbaijanis missing since first Karabagh war or even to find the remains of these missing people, which is a source of deep anguish for the surviving relatives and serious violation of the International Humanitarian Law.
- OIC-IPHRC also condemned the targeting of civilian and non-military installations, situated away from the war zone, which were deliberately and indiscriminately targeted by the Armenian side to cause destruction and instill fear among the civilian population.
- OIC-IPHRC delegation welcomed the plan of the Government of Azerbaijan to restore the physical infrastructure in the liberated territories and establishment of smart city project in Agdam to restore its erstwhile glory and architectural significance.

iii. Visit Program: Objectives and sources of information

5. The main objective of the second OIC-IPHRC follow-up visit was to inspect the areas liberated from Armenian occupation in 2020 which suffered immense loss of human lives and damage to the civilian infrastructure during the 30 years illegal occupation by Armenia. This visit accorded an opportunity to meet with high-ranking government officials, governmental and non-governmental entities including Azerbaijan National Agency for Mine Action (ANAMA) and International Committee of the Red Cross (ICRC), political and development stakeholders and victims and Internally Displaced Persons (IDPs) to assess the progress being made after the Statement signed on November 10, 2020 by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation.
6. OIC-IPHRC delegation, during the course of the visit, concluded meetings with relevant government officials in Baku, visited the liberated areas as well interacted with the victims and IDPs from these areas. The delegation, during its four-day visit from 02-06 September 2023 met with Ms. Sabina Aliyeva, Azerbaijan Commissioner for Human Rights (Ombudsman); Mr. Zahid Oruj, Chair of the Human Rights Committee at the Milli Majlis; Mr. Hikmat Hajiyev, Assistant to the President & Head of the Department of Foreign Policy Affairs of the Presidential Administration; Mr. Samir Poladov, Deputy Chairman of Board of ANAMA; Mr. Adil Tagiyev, Deputy of the Head of the Executive Power of Ganja city of Azerbaijan and Ms. Dragana Kojic, Head of the International Committee of the Red Cross (ICRC) Delegation in Azerbaijan.
7. During the course of the follow up visit, the delegation also visited the liberated regions of Fuzuli and Agdam and city of Ganja. The delegation carried out a detailed onsite objective and independent assessment of the grave human rights violations committed by the Armenian occupation forces in this region as reported by the Government of Azerbaijan. The delegation also carried out an assessment of the humanitarian situation in the post war period and observed the ongoing rebuilding and rehabilitation

initiatives taken by the Government of Azerbaijan. The delegation collated vital photographic, documentary and circumstantial evidence from the victims, governmental and non-governmental agencies and other independent sources about the nature and extent of intentional and collateral damage caused to the life, property, religious and educational sites, cemeteries, cultural heritage and environment during the period between 1992-2020.

8. OIC IPHRC, as per its mandate, is exclusively concerned with the human rights and humanitarian aspect of the conflict. Accordingly, the OIC-IPHRC delegation besides other aspects, focused on observing progress on following human rights dimensions during the follow up visit:
 - a. investigate and report upon the indicated human rights abuses committed by the Armenians;
 - b. progress on the issue of finding the whereabouts of missing persons during the Armenian occupation
 - c. progress on the demining of the liberated territories and ongoing challenges associated with it;
 - d. rehabilitation and repatriation of refugees and IDPs as a result of two Karabagh Wars;
 - e. scale and scope of restoration of cultural and civilizational heritage and preservation of bio diversity of the liberated regions;

B. OBSERVATIONS/FINDINGS OF THE OIC-IPHRC DELEGATION:

9. The delegation visited the regions of Fuzuli and Agdam and city of Ganja. During its visit to Agdam, the delegation observed noxious peppering of landmines and the damage and destruction caused to the cultural relics, museums, cemeteries and religious sites.
 - i. **Destruction of cultural relics, museums, cemeteries and religious sites and ecological damage:**
10. The delegation visited liberated region of Agdam which is one of the districts of Karabakh region of Azerbaijan which remained under occupation since 1993 until liberation in 2020. The city of Agdam, prior to Armenian occupation used to be a vibrant city with an estimated population of 132,170 in 1993⁸. Agdam was one of the largest and most beautiful districts of Azerbaijan. The city of Agdam was considered as one of the country's most distinctive and picturesque. The white stone quarry enabled construction of white houses built in various architectural styles, added an extraordinary beauty to the city. It had an airport, well developed infrastructure theatres, museums, industrial complexes and thriving economy.

⁸ <https://rm.coe.int/16805abf1e>



File Photo: Agdam prior to occupation

(Courtesy: <https://www.rferl.org/a/inside-agdam-the-ghost-city-of-the-caucasus-after-1990s-conflict/30966555.html>)



File Photo: City of Agdam post Armenian Occupation

11. The delegation was appalled to witness the extent of irreversible damage inflicted upon the physical infrastructure, rich cultural and religious heritage, including cemeteries and environment of the town. The Armenian occupation converted the town into 'ghost town'⁹. Almost all of the residential buildings and historical monuments left on occupied territories were completely or partly destroyed. It is reported that the museums were looted, monuments and artefacts stolen and transported to Armenia and elsewhere which include the Museum of Bread, the Museum of History and Geography. Almost, 65 out of 67 mosques were destroyed, and two of the remaining mosques were severely damaged and insulted.



File Photo: Archival photo of the central mosque of Agdam in 1990

⁹ Paul, Amanda (17 May 2011). "Agdam -- an Azerbaijani ghost town"



Above: Photo taken by the IPHRC delegation during the fact-finding visit September 2021



Above: Photo of the Central Mosque of Agdam taken by the IPHRC delegation during follow up visit in 02-06 September 2023 showing the repair and reconstruction work being carried out by the Government of Azerbaijan

12. The Central Jamia Mosque, built in 1870 is not only a religious site but also a cultural heritage, suffered vandalism as its minarets were damaged, its ceiling destroyed and the wall inscriptions completely erased. It had graffiti and signs of bullets and shelling both in the interior and exterior. Ironically, the mosque was desecrated during the Armenian occupation when it was used as a barn for cows and other animals¹⁰.



File Photo: Desecration of Central Mosque at Agdam which was used to keep cows, horses, even pigs during the times of occupation by the Armenian forces & Interior of Agdam's Central Mosque

13. It is reported that Armenian occupation has caused an estimated damage of 285 billion dollars which includes environmental and ecological damage¹¹ caused by deforestation, illegal exploitation of mineral resources including gold resources and pollution of rivers and indiscriminate laying of landmines. According to satellite observations, 50-60 thousand hectares of forest area were completely destroyed by Armenians. Deliberate deforestation was carried out especially in Kalbajar, Lachin, Zangilan and Gubadli regions.
14. The delegate noted that the Armenian occupation purposefully pursued a systemic and systematic '*earth scorch*' urbicidal policy to erase the cultural and civilizational trappings of Azerbaijani people who lived in these territories for centuries. Cities and villages were destroyed, cultural and religious monuments were swept off and looted. As a result of the urbicide policy, about 9 cities and hundreds of villages of Azerbaijan were wiped out. As a result, completely destroyed Aghdam came to be referred as "*Hiroshima*" of Caucasus¹².
15. The delegation observed that the cemeteries in the city of Fuzuli were desecrated as the marble tombstones and most of the iron fences around them were dismantled in an attempt to erase historical and religious traces of Azerbaijan. Even more disturbing was to know that the graves were dug out and the skulls of corpses were excavated to remove gold teeth. Furthermore, some cemeteries were bulldozed and humiliated, and mine fields were planted to inflict death and injury to the visiting relatives.

¹⁰ Carlotta Gall and Anton Troianovski (11 December 2020). "After Nagorno-Karabakh War, Trauma, Tragedy and Devastation". The New York Times available at <https://www.nytimes.com/2020/12/11/world/europe/nagorno-karabakh-armenia-azerbaijan.html>

¹¹ <https://caspiannews.com/news-detail/azerbaijan-to-launch-legal-proceedings-demanding-compensation-for-damage-and-ecological-terror-committed-by-armenia-2022-5-8-0/>

¹² <https://iwpr.net/global-voices/life-among-ruins-caucasus-hiroshima>



Above: IPHRC delegation visiting the city of Fuzuli



Above Photo taken by the delegation of the vandalized graves and tombstones in Fuzuli region

16. Cemeteries offer vital links between the living and the dead for community members. Cemeteries, as holy sites, are governed by religious laws and customs that dictate the

location of, appearance of, and activities and behaviors allowed in the burial grounds, Additionally, country and international laws aim to protect such sites.



Above: Photo of the cemetery of a soldier who is being visited by the family

17. Cemeteries, like places of worship and other holy sites, are an essential element of the manifestation of the right to freedom of religion or belief. Article 18 of the *International Covenant on Civil and Political Rights (ICCPR)*¹³ enshrines the right to manifest religion or belief in a community with others. All communities typically have religious rites and practices for the disposal of the deceased in their own cemeteries that are protected under Article 18. *The Convention for the Protection of Cultural Property in the Event of Armed Conflict* affords cemeteries and other places of religious or cultural significance protected status during armed conflict¹⁴. The intentional and systemic attacks on cemeteries, which are evident during the time of Armenian occupation, is considered a war crime.

ii. **Deliberate, indiscriminate and disproportionate damage to civilian residential buildings in Ganja:**

18. The delegation during its visit to the city of Ganja visited the civilian residential sites which were destroyed as a result of unprovoked missile attacks by the Armenian forces. The delegation met with the government officials, civil defense authorities, victims and witnesses of the indiscriminate shelling and bombardment to gather firsthand information about the extent and severity of the damage inflicted upon the civilian physical infrastructure, human settlements and human lives.

¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹⁴ <https://www.unesco.org/en/legal-affairs/convention-protection-cultural-property-event-armed-conflict-regulations-execution-convention>



Above: Photo of the IPHRC delegation visiting the city of Ganja on the site of missile attack on residential areas

19. The city of Ganja is located almost 100 kilometers away from active military front/conflict zone and is of no military significance, yet it was targeted by the Armenian forces, during the period from 27th September 2020 till 9th November 2020. The city suffered a large number of civilian losses including death and injuries of women and children due to Armenian missile attacks on 11th October 2020 and 17th October 2020.
20. The damage to civilian infrastructure including civilian residential buildings was due to indiscriminate bombing/targeting of non-combat infrastructure by the Armenian forces causing loss of innocent civilian lives and injuries and wide spread displacement of the civilian population. As quoted in the earlier report, Human Rights Watch in its report, *“Lessons of War”*, has provided an account of attack where two Scud-B ballistic missiles hit Azerbaijan’s second-largest city, Ganja, killing 21 people. The blast from one missile flattened homes in the Mukhtar Hajiev neighborhood and ripped through both Kindergarten and Secondary School which killed ten civilians in their homes, four of them children¹⁵. Human Rights Watch (HRW) documented 11 incidents in which Armenian forces used ballistic missiles, unguided artillery rockets, and large-caliber artillery projectiles that hit populated areas in apparent indiscriminate attacks¹⁶.
21. The delegation also visited the residential buildings and private houses hit by the ballistics and heard the firsthand accounts of the residents and victims who were unanimous in their testimonies that these attacks/artillery shelling have all the elements of prior planning as part of the wider strategy to instill fear among the civilian population and cause wide spread damage and destruction. Consequently, due to these attacks many residential areas as well as places of worship, including Imamzadeh Mosque and historical Orthodox Church in Ganja were hit and suffered vast physical damage.

¹⁵ <https://www.hrw.org/news/2021/09/08/lessons-war>

¹⁶ <https://www.hrw.org/news/2020/12/11/armenia-unlawful-rocket-missile-strikes-azerbaijan>



Above: Photos of the residential areas which suffered destruction and damage to civilian lives and properties by the Armenian missile attacks

22. The Armenian attacks on Ganja city were directed against the civilian population and were intended to cause widespread civilian damage due to nature of weaponry used. Indiscriminate Scud-B ballistic missiles were fired on a densely populated city where there was no clear military objective in the vicinity. The nature of such an attack falls under the purview of the crimes against humanity due to systematic attack directed against a civilian population. Also, it can constitute war crime as the victims which include, civilians, women and children, were protected person.

23. International humanitarian law, in accordance with Article 48 of Additional Protocol I of 1977 of Geneva Convention, prohibits targeting of any non-combatant or any object that does not qualify as a military objective. The core principles include the principle of distinction (between legitimate and prohibited targets), and the obligation of all parties to conflict to take all feasible precautions to spare civilians and civilian objects¹⁷. The principle of proportionality requires that “parties to the conflict must refrain from attacks against military objectives that may be anticipated to cause civilian casualties, or damages that are disproportionate in relation to the intended military goal.” This includes a prohibition of causing excessive incidental damage or casualties by targeting military objectives.

iii. Land Mines infestation by the Armenians in the previously occupied areas and progress on the demining:

24. The delegation received a comprehensive briefing at ANAMA and also visited the Agdam district which is heavily infested with lethal landmines. As a result of mines laid by Armenians in the area from 1992 until 10 November 2020, regrettably, 2,843 persons have been reported killed and injured. 522 out of whom were military servicemen, and 2321 were civilians. About half of the victims, 1,357 persons were injured because mine blasts occurred in peacetime¹⁸. From 10 November 2020-05 September 2023, 305 people have been injured or killed. On June 4, 2021, two Azerbaijani journalists and a local government official tragically lost their lives in a landmine explosion. The incident occurred in Azerbaijan's Kalbajar district when their vehicle ran over an anti-tank mine¹⁹.



Above: Photo of the IPHRC delegation visiting the areas of land mines infestation during the Armenian occupation

25. Ironically, these landmines were not only laid down by the Armenians during the occupation but also during its forced withdrawal from the occupied territories after the ceasefire. Regrettably, those mines were laid in a haphazard manner in almost every part including agricultural fields, graveyards, gardens and other social and economic means in order to inflict human losses as much as possible²⁰. By doing so Armenia has imposed an environmental and humanitarian disaster which will take decades to resolve.

¹⁷ Article 57 Additional Protocol I of 1977 of Geneva Convention

¹⁸ ANAMA statistics quoted in Mine Problem in the Liberated Areas: Ad Hoc Report of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, page 7 available at <https://www.politicamentecorretto.com/wp-content/uploads/2021/06/Ad-Hoc-Report-of-the-Ombudsman-on-landmine-problem-1.pdf>

¹⁹ <https://www.reuters.com/business/media-telecom/two-azeri-journalists-an-official-killed-landmine-blast-near-karabakh-prosecutor-2021-06-04/>

²⁰ <https://neweasterneurope.eu/2021/04/16/mines-karabakh-and-armenias-ccrisis/>

26. The prospects for displaced Azerbaijani individuals to return to their villages are impeded by the enduring legacy of explosive mines left behind by Armenia. The delegation observed that, due to extremely risky and laborious nature of demining process, the massive mine contamination of the liberated territories seriously impedes the realization of wide-ranging rehabilitation and reconstruction plans of the Government of Azerbaijan. Thus, seriously affecting the realization of inalienable right of the hundreds of thousands of IDPs to return to their homes in safety and dignity. Before citizens could be allowed to return to their villages, however, thousands of hectares of land would need to be cleared of mines and explosive remnants of war (ERW), and essential civilian infrastructure, including houses, schools, and healthcare, would need to be rebuilt, a challenge which is negatively impacting on the early rehabilitation of the indigenous people.
27. The Azerbaijani authorities have conveyed that the maps of landmines in the liberated areas received from Armenia covers only 5% of the regained areas, and that only 25% of these maps are accurate²¹. The Government of Armenia should therefore be requested to make available to the Azerbaijani authorities a detailed and accurate map of landmine areas in accordance with extant international regulations.
28. The Government of Azerbaijan, recognizing the urgency and importance of the matter, has prioritized demining efforts. To spearhead this process, ANAMA was set up with the support of UNDP in 1998 which is responsible for coordinating and monitoring mine action in the country. Over the years, mine action is integrated into the Azerbaijan Socio-Economic Development Plan 2019–2023 and is considered a key contributor to meeting the 2030 Sustainable Development Goals (SDGs). Furthermore, ANAMA has initiated a robust mine risk education program integrated into the school curriculum. It extends to community-level outreach efforts in areas affected by mines and explosive remnants of war (ERW). Additionally, the Ministry of Internal Affairs and Emergency Situations operates a hotline that enables residents to report the presence of explosive ordnance, further enhancing safety.
29. According to an April 2023 report by ANAMA, between November 10, 2020 and March 31, 2023 ANAMA and their partners cleared 74,644 hectares (ha) from mines and ERW, only 9.06% of the total contaminated territories. 147,988 ha are still classed as highly contaminated areas, while 675,570 ha are considered medium and low threat areas. Both government officials and outside experts affirm that over 1.5 million mines may remain in place²². ANAMA Work plan for 2023 envisages clearance of 50,000 ha of area yearly (of which 14 668 ha is residential area). They have plans to increase the capacity to achieve 65,000 ha yearly. It is reported that complete demining will take nearly 30 years and \$25 billion to solve issues related to demining²³.

iv. Recovery of and right to know about the fate of Missing Persons:

30. The delegation was appalled by the fact that despite continuous efforts by the Government of Azerbaijan and ICRC regional offices, no significant progress is made in recovery of missing persons since the OIC-IPHRC last report of 2021. It was apprised that still around 3890 Azerbaijani citizens (3171 servicemen, 719 civilians) 24, including (71 children, 267 women, and 112 elderly people) 25, are claimed to be still missing as a result of the conflict since 1990s.

²¹ <https://en.trend.az/azerbaijan/politics/3525576.html>

²² <https://www.crisisgroup.org/europe-central-asia/caucasus/azerbaijan/defusing-azerbajians-landmine-challenge>

²³ <https://eurasianet.org/the-mammoth-task-of-demining-azerbaijan>

²⁴ <https://en.trend.az/azerbaijan/politics/3475998.html>

²⁵ https://ombudsman.az/upload/editor/files/Ombudsman_Report_Azerbaijanis%20Missing%20during%20the%20First%20Karabakh%20War.pdf

31. According to the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan several mass and individual graves were discovered in the liberated territories of the Republic of Azerbaijan especially in the Khojavend, Kalbajar, Agdam and Fuzuli regions, as well as around Shusha. It gives credence to the claims that the Azerbaijanis captured and taken hostage during the First Karabakh War were *“brutally tortured to death, and their remains were buried en masse”*²⁶. It is reported that so far around 500 human remains were discovered in the mass graves found in the liberated territories. As a result of the identification processes, 15 out of nearly 4,000 missing persons were identified and their remains were handed over to their families and buried in accordance with the burial rites. Among those 15, four belonged to civilian people, and the remaining 11 were military personnel.²⁷
32. The Head of ICRC delegation in Azerbaijan reiterated that ICRC continues to process the cases of missing persons and has developed a consolidated list. It was reported that it had received thousands of calls and visits from families of missing individuals and received hundreds of tracing requests for civilians and soldiers.²⁸
33. ICRC, during its briefing conveyed that since 2022, ICRC in cooperation with the Government of Azerbaijan has initiated a pilot project to search for, safely recover and identify through DNA profiling the remains of those who were missing during the conflict. The ICRC is working with several agencies and supporting the preparation, planning and implementation of the excavations, forensic examinations, DNA matching, reconciliation of information and handovers of human remains to the families concerned. For this purpose, ICRC has also developed a comprehensive DNA profile data of families of missing persons for identification purposes. The project aims to assist the government and the families to identify and finally lay the remains of the missing persons in dignity and honor. The project is linked to six gravesites where remains of missing persons were found²⁹.
34. The delegation reiterated that the issue of missing persons is a humanitarian issue with human rights and international humanitarian law implications. It should not be treated as a political issue and consequently should not be dependent on the political settlements of the disputes in the region. Further, it was stressed that resolution of the issue of missing persons could contribute to reducing levels of hostility, mistrust and intolerance, building confidence in the region and facilitating efforts to find a political settlement to the disputes in the region. However, time is of the essence as delays extend the uncertainty and suffering of the families and reduce the likelihood of finding, identifying and returning the missing persons, if any who are still alive.

v. Scale and scope of Rehabilitation and repatriation of refugees and Internally Displaced People and restoration of cultural and civilizational heritage and preservation of bio diversity of the liberated regions:

35. The delegation visited the liberated territories of Agdam and Fuzuli and witnessed the scale and scope of the reconstruction of various infrastructure projects in these areas which include building of the state-of-the-art airport, schools, residential complexes and essential services of healthcare and basic utilities. It was observed that immediately after the end of the 2nd Karabakh war, there have been intense efforts by the Government of Azerbaijan to address the reconstruction needs in these areas. These

²⁶https://ombudsman.az/upload/editor/files/Ombudsman_Report_Azerbaijanis%20Missing%20during%20the%20First%20Karabakh%20War.pdf

²⁷<https://report.az/en/domestic-politics/state-commission-fates-of-15-missing-people-have-been-identified/>

²⁸<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/azerbaijan/>

²⁹<https://missingpersons.icrc.org/news-stories/azerbaijan-recovery-and-identification-people-missing-connection-conflict>

efforts are usually aimed at restoring normalcy in the lives of people affected by the conflict, facilitating return of displaced population, rebuilding communities and protecting the social, cultural and economic rights of the rehabilitated people.



36. Since the first fact finding visit of the delegation in 2021, a modern Fuzuli international airport became operational. Fuzuli city is being developed as an “air gate” to Karabakh for goods and tourists arriving from other Azerbaijani regions as well as from foreign countries. The significance of the Fuzuli Airport is its proximity and connectivity to the major roads that connect Karabakh with other nearby areas. One of the main new roads being built is the Ahmadbeyli–Fuzuli–Shusha highway, which will directly connect to the new airport.



Above: Photo of the Fuzuli Airport which heralds the reconstruction and rehabilitation in the Karabakh region

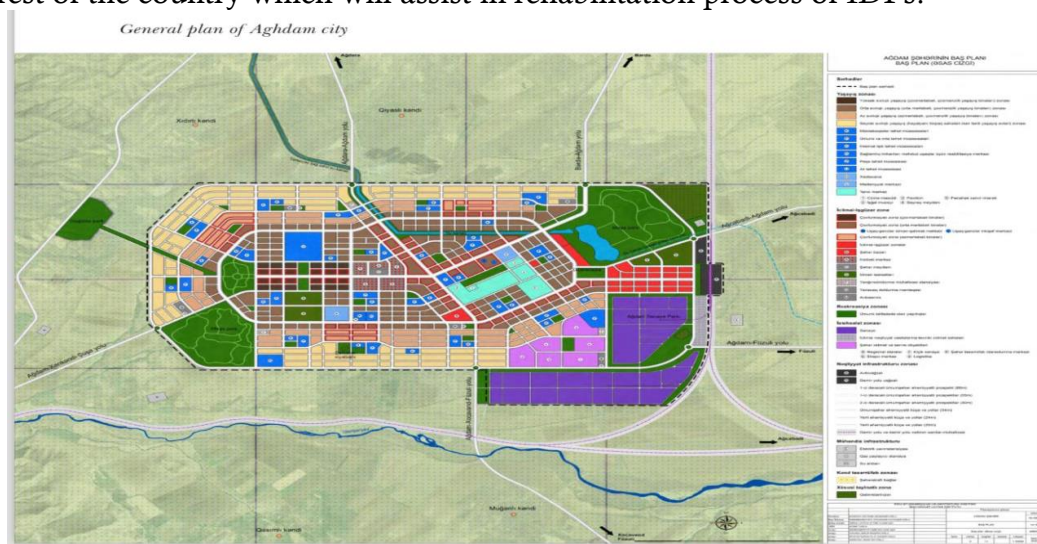
37. According to the Decree of the President of the Republic of Azerbaijan dated July 7, 2021 *"On the new division of economic regions in the Republic of Azerbaijan"*³⁰, the Karabakh economic region (Khankendi city, Agjabedi, Aghdam, Barda, Fuzuli, Khojaly, Khojavand, Shusha and Tartar regions) and Eastern Zangezur economic region district (Jabrayil, Kalbajar, Gubadli, Lachin and Zangilan districts) were established. A Coordination Headquarter was established for the centralized solution of issues in the liberated territories. Under the State Urban Planning and Architecture Committee, the General Administration of Karabakh Regional Architecture and Urban Planning was organized to provide restoration, construction and management services in Karabakh economic regions. Karabakh Revival Fund³¹ is constituted that

³⁰ <https://culture.gov.az/en/common-news/15044>

³¹ <https://abb-bank.az/en/dirchelish-fondu>

provides financial support towards the restoration and reconstruction and investment attraction for the development of liberated territories to boost public-private partnership arrangements.

38. The delegation was briefed about the the master plan for the city of Aghdam for completion of reconstruction till 2040³². **(Photo)**. The master plan will cover an area of 1,700 hectares for a population of 100,000 people. It will have 1,750 individual houses and 23,000 apartments in Aghdam. There will be small businesses, tourist facilities, 8-12-20-bed hotels and restoration of environment and ecology through regeneration of forests. A construction of Railway and Bus Station Complex in Aghdam city is in progress to be completed by end of 2024³³. The complex will expand the logistic capabilities of Aghdam region and restore the communication linkages with the rest of the country which will assist in rehabilitation process of IDPs.



Above: Photo of the Master Plan for the reconstruction of city of Agdam
(courtesy Centre for analysis of economic reforms and communication of the Republic of Azerbaijan)

39. The delegation also visited the newly built housing complex in Fuzuli and met with large number of families who were displaced during the first Karabagh. It is reported that around 1000 IDPs have returned to Fuzuli to their ancestral homelands to stay in the newly built residential complex. The delegation met with children, young and old people to recollect testimonies of the times when they left the place and also their feelings on their return. They all had one thing in common which is that they all were happy on their return to their homes and were optimistic about their future. They appreciated the efforts of the Government of Azerbaijan for restoration and rehabilitation efforts and exhibited resolve to overcome difficulties and challenges through patience, perseverance and hard work.

³² <https://www.azernews.az/nation/198114.html>

³³ <https://en.trend.az/azerbaijan/business/3814280.html>



Above: Photo of the Executive Director of the IPHRC Secretariat with the members of the community who are rehabilitated in the newly constructed residential areas



Above: Photo taken of the construction work being carried out to build new residential areas in Fuzuli city which includes hospitals and schools

40. The delegation noted that new residential buildings and other critical infrastructure in the regional capital is already completed. It is projected that after its complete

restoration, Fuzuli will become the second-largest city in Karabakh to host a population of 50,000 and extend over an area of 1,936 ha³⁴.

41. The delegation visited the newly built **Mirzo Ulugbek School in Fuzuli** which has the capacity to accommodate 960 students. The school was built with the cooperation of the Government of Uzbekistan which is reflective of the long-standing cooperation between the two OIC Member States in investing in the future generation³⁵. The delegation also met with the children and their parents who were happy at the prospect of receiving high quality education as a result of the rehabilitation.



42. The delegation was delighted to note that **Kurmangazy Center for the Development of Children's Creativity**, was also being built in the Fuzuli in cooperation with the Government of Republic of Kazakhstan³⁶. According to the project, the art school will be built in an area of 1.5 ha, consisting of a two-story building for 600 students to study in shifts. It is planned to organize education in the art of singing, carpet making, sculpture and jewelry arts, music and painting classes, as well as graphic design training.
43. The delegation visited the standing remains of the grand building of the editorial office of Araz newspaper destroyed by Armenian Armed Forces in Azerbaijan's Fuzuli city. They were informed that this area will be transformed into an entertainment and recreational quarter for the residents of the Fuzuli.



Above: Photo of the remains of the building of the Araz newspaper

³⁴ <https://aircenter.az/en/single/the-karabakh-air-gate-opens-future-prospects-for-fuzuli-airport-817>

³⁵ <https://president.az/en/articles/view/60907>

³⁶ <https://azertag.az/en/xeber/foundation-stone-was-laid-for-art-school-to-be-constructed-by-kazakhstan-in-azerbajjans-fuzuli-district-2521853>

C. CONCLUSION

44. The delegation strongly condemns the extent of irreversible damage inflicted during the Armenian occupation to the lives of civilians, physical infrastructure, rich cultural and religious heritage and environment of the liberated areas. The delegation collated sufficient circumstantial and archived evidence to conclude that the Armenian occupation has resulted in massive contamination of the liberated territories with mines to cause civilian casualties and prevent the Azerbaijani authorities and their internally displaced people from returning to their homes and properties. Such measures including unprovoked attacks on civilian residential areas, wanton destruction of civilian physical infrastructure, desecration of places of worship, cemeteries and religious symbols and damage to historical and cultural heritage and flora and fauna of the region constitute serious violations of international human rights and humanitarian laws which tantamount to crimes against humanity and war crimes.

45. The delegation concludes as following:

- The delegation, based on international law principles, considers that intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes or historic monuments is a war crime in both international and non-international armed conflicts³⁷. The deliberate destruction of the cultural heritage of Agdam, Fizuli and other towns and settlements of Karabakh is a grave violation of cultural rights and violation of international humanitarian law, which constitute a serious violation of Armenia's obligations under international law to respect and protect the cultural heritage of the occupied territories. The scale of devastation does not justify on any grounds of military necessity and is 'extensive' for the purposes of qualifying the conduct as a grave breach of the Geneva Conventions.
- Rule 38 of the International Humanitarian Law explicitly obligates to take special care to avoid damage to buildings dedicated to religion, art, science, education or charitable purposes and historic monuments, provided they are not used for military purposes. Also, 1907 Hague Convention³⁸ and 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict³⁹, while codifying the conduct of war in international law has placed prohibition on such destructions. "extensive" destruction
- The European Court of Human Rights in its Judgement on Chiragov and Others vs. Armenia case (which concerns the complaints of six Azerbaijani refugees that they were unable to return to their homes and property in the district of Lachin, in Azerbaijan, from where they had been forced to flee in 1992), ruled that Armenia held Nagorno-Karabakh and all other adjacent regions, including Lachin District are under the occupation. The Court further noted that Armenia continues violating Article 1 (right to property), Article 8 (respect to private and family life) and Article 13 (right to effective remedy) of Protocol 1.⁴⁰
- The delegation concludes that the Armenian unprovoked attacks on civilian infrastructure are considered violations of international law. International humanitarian law (IHL), which includes the Geneva Conventions and other treaties, explicitly prohibits the targeting of civilians and civilian objects during armed conflicts. These principles are designed to protect non-combatants and civilian property during times of war. The Armenian attacks clearly violated the the principles of distinction and proportionality where in deliberate and disproportionate attacks on civilians or

³⁷ ICC Statute, Article 8(2)(b)(ix) and (e)(iv)

³⁸ <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907>

³⁹ <https://en.unesco.org/protecting-heritage/convention-and-protocols/1954-convention>

⁴⁰ <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-155353%22%5D%7D>

civilian infrastructure are prohibited. The targeted killing of children by the Armenian forces are violative of the Article 6 & 38 (I) of the United Nations Convention on the Rights of the Child (CRC) which not only guarantees child's right to life but also obliges all States to respect and to ensure respect for rules of IHL applicable to them in armed conflicts⁴¹. The 1974 UN Declaration (3318) on the Protection of Women and Children in Emergency and Armed Conflict also prohibits attacks on women and children⁴². Also, the UNSC Resolution 1261 categorically prohibits "attacks on objects protected under international law, including places that usually have a significant presence of children such as schools and hospitals"⁴³.

- The delegation was deeply disappointed at the continued lack of cooperation extended by the Armenian side in providing accurate maps of the installed landmines in the areas previously occupied by them. Due to this non-cooperation, the progress in demining of the areas is rather slow as only about 10% of the total area is so far cleared from the land mines. Accordingly, with this pace, it will take around 20-25 years to completely demine the liberated areas. Therefore, such acts are seriously impeding the realization of rehabilitation and reconstruction plans for the hundreds of thousands of IDPs desperately waiting to return to their homes in safety and dignity. The delegation, based on provisions of international law, concludes that use of landmines by Armenia in a civilian area is a violation of international humanitarian law, including Geneva Conventions of 1949, when it has led to indiscriminate harm to civilian population and their livelihood especially when these mines were laid without proper regard for their impact on civilian populations. According to the Rule 71, "The use of weapons which are by nature indiscriminate is prohibited"⁴⁴. It infringes upon the rights of Azerbaijani people including their right to life, right for respect to private and family life, home and correspondences, right to protection of property, right to freedom of movement within the territory of a State.
- The delegation was appalled to note that the Government of Armenia, despite repeated requests from Azerbaijan, is not cooperating for a prompt and effective investigation into the fate of missing persons, which is quiet frustrating and agonizing for the families of the missing persons. According to the IHL, including the Four Geneva Conventions of 1949 for the Protection of War victims and Additional Protocols (I and II) of 8 June 1977, it is an international responsibility of States to protect the Prisoners of War against torture and degrading conditions. First Additional Protocol to the Geneva Conventions Article 34 provides that the remains of persons killed during hostilities, occupation or detention shall be treated with respect and, if possible, returned to their families. Also, two main principles that stand out are that the Parties to an armed conflict must take every possible measure to elucidate the fate of missing persons⁴⁵ and that families are entitled to know the fate of their relatives⁴⁶. The right to know the fate of missing relatives is a fundamental right of the families concerned and should be guaranteed. Furthermore, state practice establishes as a norm of customary international law, applicable in both international and non-international armed conflicts, the obligations of each party to the armed conflict to take all feasible measures to account for persons reported missing as a result of armed conflict, and to

⁴¹ UNCRRC available at <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

⁴² https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.19_declaration%20protection%20women%20armed%20conflict.pdf

⁴³ UNSC S/RES/1261 (1999), 30 August 1999: Available at <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/CAC%20SRES%201261.pdf>

⁴⁴ https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule71

⁴⁵ Geneva Convention I, Articles 19-20; Geneva Convention II, Articles 16-17; Geneva Convention II, Articles 122- 125; Geneva Convention IV, Articles 136 – 141; Additional Protocol I, Articles 32 – 33. J.M. Henckaerts / I. Doswald-Beck. Customary International Humanitarian Law, ICRC, Cambridge, Cambridge University Press, 2005,

⁴⁶ Additional Protocol I, Article 32. . J.M. Henckaerts / I. Doswald-Beck. Customary International Humanitarian Law, ICRC, Cambridge, Cambridge University Press, 2005

provide their family members with any information it has on their fate. UN Security Council Resolution 2474 of June 11, 2019⁴⁷ also calls for all possible measures to be taken to search for missing persons and return their remains, as well as to contribute to the peace process by providing information on missing persons as a result of armed conflict. UN General Assembly Resolution 3220 (XXIX) of 6 November 1974⁴⁸ also calls the parties to the conflict to provide information on missing persons. Furthermore, the relevant Resolution adopted by the UN Human Rights Commission in 2002 recognizes the obligation that the other side of the armed conflict must participate in the search for missing persons.

- The delegation expresses its satisfaction over the scale and scope of rebuilding efforts of the Government of Azerbaijan to rehabilitate the IDPs at the earliest. The delegation was satisfied to note that a significant majority of the displaced people from the liberated areas are keen to return to their indigenous lands. The construction of a newly built international airport at Fuzuli, a housing complex and establishment of necessary educational and medical facilities are commendable initiatives which have instilled a renewed sense of optimism among the IDPs. While appreciating the support extended by the esteemed Governments of OIC Member States, the delegation urges other Member States and international community to play its due role in providing material, moral and technical support to the Government of Azerbaijan to meet with the onerous challenge of swift and complete rehabilitation of the IDPs.
- The delegation reaffirmed unwavering support of the OIC and IPHRC for the Azerbaijani people in realization of their right to freedom and liberation from the foreign occupation, which remains one of the cornerstones of international human rights law. IPHRC urges the Armenian side to reciprocate the magnanimous offer of Azerbaijan to bring an end to hostility and lay the foundations of friendly relations based on respect for territorial integrity and sovereignty of nations and non-aggression which is not only in line with the international law obligations but also in line with Islamic values and principles.
- The delegation was informed that along with destruction and desecration of historical cultural and religious heritage in the territory of the Republic of Azerbaijan, Armenian side had also destroyed and appropriated Azerbaijani cultural and religious monuments on the territory of Armenia.

With the support of special organizations of the United Nation, in particular UNESCO, a fact-finding mission should be organized to the Republic of Armenia to assess the extent of the looting, Unlawful appropriation and deliberate destruction of cultural and religious monuments and archaeological monuments of Azerbaijani and Islamic origin in Armenia.

46. Finally, IPHRC commends the unfettered, open and transparent access provided by the Government of Azerbaijan as well as the support of the Office of the Ombudsman of Azerbaijan in facilitating the fact-finding mission by providing full access to all the affected areas to collate required information needed to verify the reported human rights abuses, which enabled the IPHRC to undertake its mandated task with objectivity and neutrality and prepare its detailed report on the subject.

D. RECOMMENDATIONS

47. The delegation, after having reviewed the circumstantial evidence and ground realities, recommends to address the issues of: (a) Missing persons; (b) Rehabilitation and

⁴⁷ <https://daccess-ods.un.org/tmp/8173114.65740204.html>

⁴⁸ <http://www.worldlii.org/int/other/UNGA/1974/15.pdf>

repatriation of refugees and IDPs, including ensuring the right to return of the Western Azerbaijan Community, who were expelled from the current territory of Armenia; (c) Demining of the liberated territories; (d) Accountability for the acts of wanton destruction to fix the responsibility and apply the international laws related to such acts; (e) Dialogue and diplomacy

48. The international community, including the UN, OIC and other international organizations, both at the bilateral and multilateral levels, are advised to play a proactive role in addressing these emergent issues. The OIC Contact Group on Azerbaijan may continue to provide platform to coordinate progress on all of the above accounts.

Following are some of the specific recommendations:

- a. OIC can consider assisting the Government of Azerbaijan in establishing a multilateral co-ordination mechanism under ICRC to deal with the issue of missing persons, in particular to collect and manage data, processes of recovery and identification of human remains and provide psychological support for family members. Such mechanism may impress upon Armenia to cooperate in the process of preparation of lists and identification of whereabouts of missing persons;
- b. OIC Member States and Multilateral Development Institutions i.e. World Bank and Islamic Development Bank are recommended to provide financial resources and expertise to the Government of Azerbaijan to help rehabilitate the refugees and IDPs. The process involves expeditious demining of the area for which international expertise is needed. Secondly, development of physical infrastructure in the liberated areas to allow the IDPs and refugees to return in safety and dignity;
- c. OIC Member States may consider sponsoring infrastructure projects in the liberated areas especially projects related to provision of basic social services of health and education similar to Mirzo Ulugbek School in Fuzuli as states in Paragraph 41 above, which was built in cooperation with the Government of Uzbekistan;
- d. OIC Contact Group on Azerbaijan is recommended to exert due efforts for recognition of the crimes perpetrated in the previously occupied territories of the Republic of Azerbaijan during the conflict as war crimes, crimes against humanity and genocide at the national and international levels;
- e. Government of Azerbaijan may consider organizing an international conference/symposium involving academics, policy makers from UN and OIC Member States and human rights experts to propose ways and means to deal with the issue of missing persons and demining of the liberated territories;
- f. OIC may continue to adopt resolutions to impress upon the Government of Armenia to accept territorial integrity of Azerbaijan and commit to establishing a track for dialogue and reconciliation on the basis of sovereign equality of nations;
- g. OIC General Secretariat may coordinate with OIC Missions in New York and Geneva to circulate the findings of this report widely with the UN and human rights organizations.
