

Accountability for War Crimes Can Bring Peace and Reconciliation

Dr. Esmira JAFAROVA¹

October 2022 marked the sad, two-year anniversary of the wanton missile attacks by Armenia against peaceful Azerbaijani cities during the 44-day Karabakh War in 2020, with Ganja city and Barda being among the most affected targets. The second-largest city in Azerbaijan, Ganja was attacked using Tochka-U and, later, SCUD ballistic missiles on October 11, 2020, the very night that the humanitarian ceasefire took effect. Azerbaijan also reported the shelling of cities such as Tartar, Barda, Mingachevir, Aghjabedi, and Beylaghan. However, Ganja became a textbook example of war crimes against peaceful civilians. The missiles used against Ganja were of high destructive capacity and their use against civilians is prohibited under international humanitarian law. These attacks were confirmed as having been launched directly from Armenian territory on October 11 and 16–17, 2020, killing and injuring dozens of civilians alongside causing significant destruction to civilian infrastructure.

According to information distributed by the Prosecutor General's Office of Azerbaijan, 94 Azerbaijani civilians were killed and 414 wounded as a result of attacks by Armenia from September 27 to November 16, 2020, while about 512 civilian facilities, 3,410 private houses, and 120 apartment buildings were damaged as a result of intensive artillery and missile shelling. Armenia also repeatedly targeted Azerbaijan's critical energy infrastructure, launching missile attacks against the Baku–Tbilisi–Ceyhan pipeline in the vicinity of Yevlakh district and against Mingachevir city in an effort to strike the Mingachevir Dam and Hydropower Station. It is not difficult to imagine the magnitude of the civilian casualties, as well as the environmental consequences, if these strategic objects had been damaged. Indiscriminate attacks against peaceful civilians constitute the gravest violation of international law, international humanitarian and human rights law, and all relevant international instruments, including the Fourth Geneva Convention (1949) and Additional Protocol I (1977).

Unfortunately, the above cases of war crimes from the 44-day Karabakh War, although very fresh in the memory, are not the only examples. The Khojaly genocide remains as one of the bloodiest crimes not only in the history of Azerbaijan, but also in the history of humankind. On the night of February 26, 1992, at the height of the First Karabakh War, illegal militias from Armenia proper, in conjunction with the 366th Motorized Infantry Regiment of the former Soviet Union, brutally killed 613 people, among them 106 women, 63 children, and 70 old men. During the Khojaly genocide, 1,000 peaceful people of different ages were invalidated, 8 families were annihilated, 130 children lost one parent

¹ Board Member of the Center of Analysis of International Relations, (Baku, Azerbaijan)

and 25 both of them, and 1,275 peaceful residents were taken hostage—the fate of 150 of them is still unknown.

The Khojaly massacre may be the most gruesome and outstandingly inhumane episode of the First Karabakh War. However, there were more insidious, but no less heinous, crimes committed against Azerbaijan during that war. Azerbaijan has repeatedly voiced the issue of the fate of approximately 4,000 missing persons. This issue is continually discussed between Armenia and Azerbaijan during the meetings of the leaders of the two countries in the Brussels format that takes place with the mediation of the European Union. Recently, Armenia declared that it would return to Azerbaijan the remains of 138 Azerbaijanis who went missing during the First Karabakh War; however, that does not compensate for the long list of those whose whereabouts remain unknown. This picture is further blurred by the discovery of mass graves in the now-liberated Azerbaijani lands. In April 2021, the remains of 12 people were found in Bashlibel village of the liberated Kalbajar district, which was another bloody spot where mass murders against peaceful Azerbaijanis were committed in 1993. Later, in early October 2022, the remains of 25 people were found in the second mass grave unearthed in the liberated Edilli village of Khojavand district. The first such mass grave in Edilli was discovered in February 2022, and the remains of about 15–20 Azerbaijanis were found. Such appalling discoveries speak volumes about the torture and inhumane treatment the Azerbaijanis were subjected to before their actual killing. Who knows how many more such gruesome mass burial places there are underneath the liberated lands?

Nevertheless, attacks against civilians during active military hostilities are not the only criminal activities in the long list of war crimes committed against Azerbaijan. Azerbaijan's natural environment, resources, ecosystem, cities, historic monuments, and cultural heritage were also subjected to devastation and brutal treatment during the First Karabakh war and the three-decades-long occupation.

The natural environment in the formerly-occupied territories was exploited and contaminated, and some commercial organizations of foreign countries participated in this. One horrific example in this regard is the pollution of the transboundary Okchuchay river by Armenia with effluent containing heavy metals generated by Armenian factories over the past decade. The Zangezur Copper Molybdenum Combine (ZCMC), which is one of two Armenian mining factories involved in this pollution, was managed by Germany's CRO-NIMET Mining AG until 2019, which makes it liable for the ecological terror inflicted on Azerbaijan's natural habitat.

Moreover, there are reported cases of deliberate burning of houses and forests in the liberated Azerbaijani lands, including in Kelbajar and Lachin, massively damaging the ecosystem before Azerbaijan fully restored its control over these areas.

When the 44-day Karabakh War ended, the magnitude of the crimes committed against Azerbaijani cities and cultural heritage was exposed for the international community to see. International guests, on visiting the liberated cities of Agdam, Fuzuli, and other de-occupied territories of Azerbaijan, witnessed at first hand the complete destruction of Azerbaijani cities and infrastructure, including Azerbaijan's religious heritage, mosques, and places of worship.

The city of Agdam was described by many as the "Hiroshima of Caucasus" because it was razed to the grounds and left in ruins. Azerbaijani cultural heritage, including about 67 mosques in the territories that were under occupation for three decades, was completely destroyed and turned into a pigsty and animal stables. Sadly, "urbicide," "culturicide," and "ecocide" became the habitual terminology when referring to the plight of the infrastructure, cultural heritage, and environment in the liberated lands. International instruments, including the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, were gravely violated.

Landmine threat is another pressing security issue that constantly threatens civilian lives. According to estimates, the liberated areas of Azerbaijan's territories are among the most mine contaminated in the world and the problem is not confined to its magnitude of the contamination, as the accuracy of the minefield maps provided by Armenia was found to be only 25%. Reports suggest that, since the end of hostilities in the fall of 2020, 262 people have been killed or maimed as a result of mine explosions. Recent estimates indicate that clearing all landmines in the liberated Azerbaijani lands may take up to 30 years and require US\$25 billion. War and terror against Azerbaijanis continue every day, and so do war crimes. To date, 3,300 Azerbaijanis are reported to have become the victims of mine blasts from devices planted by Armenia since the First Karabakh War.

Azerbaijan has already appealed to the International Court of Justice (ICJ) and the European Court of Human Rights (ECHR) over war crimes committed by Armenia. Now that there is a historic opportunity for Azerbaijan and Armenia to work on normalizing their relations, and work on the signing of a peace treaty between the two states is under way, recognition, accountability, and transitional justice for the war crimes committed are becoming ever more important.