



Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict

REPORT

5 September 2023

Summary

This emergency draft version of the *Report on Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict* is being released ahead of schedule due to the rapidly intensifying humanitarian crisis in the Republic of Artsakh that is being caused by the Azerbaijani blockade of the country since 12 December 2022.

The Lemkin Institute for Genocide Prevention hopes that this report will contribute to global resolve to protect the lives and the identity of the Armenians of Artsakh, prevent a Second Armenian Genocide, pressure Azerbaijan to accept self-determination for the people of Artsakh, and initiate a long-overdue process of transformative justice in the region that allows Armenians and Azeris to voice their historical grievances and find common ground around accountability, peace-building, and human security.

The Report uses the United Nations's *Framework of Analysis for Atrocity Crimes* to outline and analyze (in detail) the risk factors and indicators for atrocity crimes, with a special focus on the crime of genocide. We have chosen to focus on the crime of genocide because the evidence in this report points to the existence of several serious red flags for genocide, typical genocidal patterns, and evidence of the special intent to commit that crime.

In fact, the evidence presented here suggests that the crime of genocide may already be taking place in the form of the blockade, which is both “Causing serious bodily or mental harm to members of the group” and “[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part” (paragraphs II.b. and II.c. of the 1948 Genocide Convention). Azerbaijan’s crimes conform to Patterns 5 (Gross human rights violations + mass cultural destruction), 6 (Man-made famine/”Genocide by Attrition”), 7 (Environmental despoliation /”Ecocide” and land alienation), and 9 (Denial and/or prevention of identity) of the Lemkin Institute’s *Ten Patterns of Genocide* and seem to be headed towards patterns 1 (Gender-neutral mass murder characterized by gendered atrocity) and/or 2 (Mass murder of ‘battle-aged men’ + atrocities against women and children).

A particular feature of this report is its documentation of Azerbaijani President Ilham Aliyev's very public commitment to rid the territory of Nagorno-Karabakh (Artsakh) of any remnant of the autonomous historical and cultural community known as the Armenians of Artsakh, or Artsakhsis. His public speeches, the Azerbaijani blockade of the Lachin Corridor, repeated breaches of the Tripartite Ceasefire Statement of November 2020, and the destruction of Armenian cultural heritage in areas of Artsakh under Azerbaijani occupation appear to show the special intent to commit genocide.

The deep imbrication of eliminationist anti-Armenian hate within the Aliyev regime and Azerbaijani institutions of government leads us to conclude that Azerbaijan is a genocidal state. This fact must be addressed before there can be any peace in the region.

There is alarming evidence that President Aliyev may be planning a military assault on Artsakh in the very near future. As we note in section 5.4 of our report, on 16 August 2023, President Aliyev signed a new decree ordering all eligible citizens 18 years of age or older to report for military service between 1 October and 31 October 2023. Furthermore, as noted in section 8.1, Azerbaijan is firing on the Gegharkunik Province of the Republic of Armenia with small arms and mortars and has moved and concentrated its forces along the entire line of contact with Artsakh.

A military assault on Artsakh could lead to the mass murder stage of genocide. It would almost assuredly result in the forced displacement of Armenians from Artsakh and the widespread commission of genocidal atrocities, reflecting those committed in the Second Nagorno-Karabakh War of 2020 and subsequent hostilities. If the Armenians of Artsakh were to be displaced, it would not only create an enormous movement of refugees en masse that could further destabilize the region, but also it would result in the genocidal destruction of a people, as the Artsakhs Armenians would lose their distinct identity as Artsakhsis, an identity that has been forged through centuries—millennia—of independent cultural flourishing in their mountains and valleys.

Recommendations

This report underscores the importance of addressing the root causes as well as the immediate threats and potential triggers of violence in efforts to prevent genocide, avoid an escalation of violence, and build a lasting peace in the South Caucasus region. The implication of this report is that any long-term peace in the region will require a just settlement of the issue of the right to self-determination of the Armenians of Artsakh.

The Lemkin Institute for Genocide Prevention recommends that members of the international community, including United Nations member states with influence over Azerbaijan, undertake the following actions to prevent the starvation and forced population displacement of Armenians in Artsakh as well as any possible future genocidal assaults on the Armenians of the Republic of Armenia:

1. Recognize publicly the threat of genocide against Armenians in the Republics of Artsakh and Armenia that is evidenced by Azerbaijani President Ilham Aliyev's statements as well as the actions of his regime.
2. Demand the immediate lifting of the blockade and the opening of the Lachin Corridor linking Artsakh both to Armenia and to the outside world, as stipulated in the Tripartite Ceasefire Statement of 9 November 2020 and ordered by the ICJ in February and July of 2023.
3. Organize an immediate humanitarian airlift to bring aid to the citizens of Artsakh while political deliberations continue.
4. Actively intervene to defend Artsakh against an armed attack by Azerbaijan in order to prevent a full-scale massacre against Armenians and the many other international crimes usually committed by the Aliyev regime against Armenians.
5. Empower and fund an independent investigative team to conduct a thorough documentation of the current situation in Artsakh, including an investigation of the atrocities committed by Azerbaijani military personnel in the Second Nagorno-Karabakh War and afterwards.
6. Utilize all available diplomatic measures, including sanctions and the withdrawal of foreign aid, to challenge the impunity enjoyed by the Aliyev regime in Azerbaijan.
7. Pressure Azerbaijan to immediately cease its threats against the people of Artsakh and Armenia and institute a domestic National Mechanism to prevent the crime of genocide as a necessary condition for any foreign aid.
8. Encourage the reform of the Azerbaijani education and security sectors, which are deeply tainted by genocidal Armenophobia.
9. Support the Armenians of Artsakh with humanitarian and economic aid, particularly funding for destroyed infrastructure, institution-building and democracy-building projects, and increased security sector capacity.
10. Address the long-standing and underlying core issue of the right to self-determination of the people of Artsakh as a basic principle under international law and in the recognition that, as facts on the ground prove, Armenians are unable to live under the Azerbaijani authority and power.
11. Recognize the decades-long efforts of the Artsakh people to establish a State according to the international requirements for statehood, which has resulted in the building of a government based on the division of powers and democratic representation.
12. Lay the groundwork for an eventual restorative and transformative justice process in the region to address past and current grievances and clear the path for a long-lasting peace.