

BLOODSHED IN THE CAUCASUS: Indiscriminate Bombing and Shelling by Azerbaijani Forces in Nagorno Karabakh

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INTRODUCTION

Armenian and Azerbaijani forces are fighting for control of the Nagorno Karabakh Autonomous Oblast¹ (hereinafter, Nagorno Karabakh), a 1,700 square-mile territory within Azerbaijan. The Armenians living in Nagorno Karabakh are fighting for self-determination and independence from Azerbaijan; the Azerbaijanis, for the territorial integrity of their country. The main victims have been civilians: the conflict has caused thousands of civilian deaths, maimed and wounded countless others, and created about 400,000 refugees from Armenia and Azerbaijan. A conflict that started in 1988 with demonstrations and violence by both Armenians and Azerbaijanis has spiraled into ground assaults, shelling and air raids, with the use of heavy artillery, missile systems, bomber planes and other advanced weaponry. Both sides in the conflict have been guilty of numerous violations of the laws of war.

By the spring of 1992 all the Azerbaijani civilians living in Nagorno Karabakh had either fled or had been forced out by Armenian forces. A new deadly stage in the fighting began in the summer of 1992 with the use by Azerbaijani forces of bomber aircraft—primarily Sukhoi-25s obtained from the former Soviet Air Force.

By October 1992 Armenian forces also reportedly were carrying out air raids along the Armenian-Azerbaijani border. 1993 witnessed further fighting in the corridor of Azerbaijani territory separating Nagorno Karabakh from Armenia especially in the area around Kelbadzhar. The air bombardments changed the nature of warfare in Nagorno Karabakh, increasing dramatically the intensity of destruction and civilian suffering. They introduced an alarming, distinct pattern of bombing and shelling of towns and villages that have many civilian and few—if any—concrete military targets.

This newsletter is limited to describing the distinct pattern of bombing and shelling civilians as it was carried out in Nagorno Karabakh during the summer and fall of 1992 by the Azerbaijani National Army and Air Force.² We do not attempt here to document abuses of international humanitarian law—the laws of war—that have been reported in the border regions between Armenia and Azerbaijan, nor do we document abuses by Armenian forces to the east, along the border of Nagorno Karabakh and the rest of Azerbaijan. These will be covered in the next report as Helsinki Watch continues its monitoring of the armed conflict in Nagorno Karabakh.

Helsinki Watch takes no position on the war in Nagorno Karabakh: our concern is that all parties to the conflict take measures to prevent civilian casualties, in accordance with international humanitarian law.

Conclusions and Recommendations

¹ Under the Soviet system of territorial administration, autonomous *oblasts* were the second smallest political unit, and were subordinate to the next-highest administrative unit, either the autonomous republic (for example, Nakhichevan), or the union republic (such as Azerbaijan or Armenia).

² It is based on a fact-finding mission to Yerevan, Armenia, by two Helsinki Watch representatives, Rachel Denber and Alexander Petrov, from October 27 through October 31, 1992. During their time in Yerevan, they spoke to dozens of refugees, victims, doctors, and politicians.

Helsinki Watch condemns in the strongest terms the indiscriminate bombings and continued shelling of civilians in and around Nagorno Karabakh, acts which violate the rules of internal armed conflict set out in the 1949 Geneva Conventions. We welcome the decisions of the Armenian and Azerbaijani parliaments ratifying these Conventions and the Two Protocols Additional to them, and urge both governments to adhere to them and to compel the authorities in the so-called Nagorno Karabakh Republic to do the same. We call on the governments of Azerbaijan and Armenia—on Presidents Abulfaz Elchibey and Levon Ter-Petrossian, on Ministers of Defense Dadash Rzaev and Vazgen Manakuiian—and on the authorities of the so-called Nagorno Karabakh Republic and the Popular Liberation Army of Artsakh immediately to instruct their armed forces to end the bombing and shelling of civilian areas, and to take disciplinary action against those units and individuals who have engaged in this kind of activity. We call on the government of Azerbaijan immediately and unconditionally to end blockading the delivery to Armenia of goods that are basic to human survival. We urge the government of Turkey to allow the delivery of humanitarian relief to Armenia, and the government of Armenia to do the same for the Autonomous Republic of Nakhichevan, a part of Azerbaijan that is an enclave within Armenia and shares no borders with Azerbaijan.

Furthermore, we urge the Clinton administration to take a more active leadership role than the Bush administration in ending this tragic conflict. We also recommend that the Clinton administration hold Freedom Support Act aid to both Azerbaijan and Armenia to the same human rights standards.³

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EVOLUTION OF THE ARMED CONFLICT

In February 1988 Armenian⁴ claims for autonomy in Nagorno Karabakh led to an eruption of communal violence in the enclave and in Armenia and Azerbaijan. As a result, from 1988 through 1990 an estimated 300,000-350,000 Armenians fled Azerbaijan, and about 167,000 Azerbaijanis fled Armenia. Violence and unrest in Nagorno Karabakh and in the border regions between Armenia and Azerbaijan triggered the declaration of a state of emergency by Soviet authorities and the deployment of 17,000 additional troops of the USSR Ministry of the Interior to enforce it. Despite the state of emergency in

³ The Freedom Support Act's full name is the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992." It sets out as criteria for ineligibility for assistance, *inter alia*, "[e]ngagement in a consistent pattern of gross violations of internationally recognized human rights or international law; and [e]ngagement in a pattern of unlawful military action against a country which is friendly to the United States." 102d Congress, 2d Session S.2532, p. 6. The Freedom Support Act specifically excludes Azerbaijan, and only Azerbaijan, on the following terms: until such time as the president determines, and so reports to the congress, that the government of Azerbaijan (1) is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno Karabakh; (2) is respecting the internationally recognized human rights of Armenians and other minorities living within its borders; and (3) is participating constructively in international efforts to resolve peacefully and permanently the conflict in Nagorno Karabakh.

⁴ The term "Armenian" in this newsletter refers to ethnic Armenians in Nagorno Karabakh, and not to citizens of the Republic of Armenia, unless otherwise noted.

Nagorno Karabakh, raids on villages, hostage taking, and shoot-outs between armed bands of Armenians and Azerbaijanis became a frequent occurrence.

Two watershed events in 1991 marked the escalation of the armed conflict in Nagorno Karabakh: Operation Ring in the spring and summer, and the rapid dissolution of the Soviet Union in the autumn and winter. In Operation Ring, Azerbaijani Special Function Militia Troops, or OMON⁵, accompanied by the Twenty-third Division of the USSR Fourth Army, conducted passport and arms checks in Nagorno Karabakh and bordering Azerbaijani districts. The official aim of this mission was to ferret out terrorists and "prevent massive armed action;"⁶ the method, apparently, was by forcibly deporting thousands of Armenians from these areas and by detaining hundreds of Armenian men.⁷ In response, in late summer and early autumn of 1992 Armenians organized and launched attacks to re-seize their villages taken during Operation Ring.

With the break-up of the Soviet Union in December 1991, Soviet Internal Ministry troops were withdrawn from Nagorno Karabakh, and both Armenians (who in November had voted into existence the Nagorno Karabakh Republic, independent of Azerbaijan) and Azerbaijan formed and deployed their own armies. During 1992 Soviet Army weapons, heavy artillery, and missile systems—already easy to obtain through a robust arms market—were distributed to both Azerbaijan and Armenia as part of the break-up of the Soviet military.⁸ Armenian and Azerbaijani forces thus engaged each other with no restraining force and with highly destructive weaponry.

Armenian forces had a spate of victories in the winter and early spring of 1992, seizing and controlling almost all of the territory of Nagorno Karabakh. In doing so they forced out nearly all Azerbaijani civilians from the area, and with the capture of Shusha and Lachin in May, drove out all Azerbaijani forces. Beginning in June 1992, Azerbaijani forces began a counter-offensive during which they regained control of most of the Martakert⁹ district and parts of other districts.

The "front line" in Martakert shifted dramatically after a February offensive by Armenian forces gained them nearly all of the district, starting in its southern area. The Azerbaijani Ministry of Defense¹⁰ stated that these new attacks endangered the safety of Azerbaijani refugees placed in Azerbaijani-controlled villages in Martakert. The Ministry could not estimate how many refugees had been placed there since Azerbaijani forces gained control of the district.

⁵ Otriady militsii osobogo naznacheniia.

⁶ Telman Khaliogly, who in the summer of 1991 was the first deputy chairman of the Supreme Soviet of Azerbaijan. Helsinki Watch interview, June 17, 1991. Helsinki Watch, *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, September 1992, p. 8.

⁷ *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, September 1992, p. 10.

⁸ For details on the breakdown of distribution of the Soviet Army arsenal to Armenia and Azerbaijan, see "Report of the Gorbachev Fund on Nagorno Karabakh," *Nezavisimaja Gazeta*, February 5, 1993, p. 5.

⁹ The Azerbaijani government has reverted to calling the Martakert District "Agdere," and to calling Stepanakert "Khankendi."

¹⁰ Telephone interview with Leili Iunusova, press director of the Defense Ministry, February 8, 1993.

In November and December 1992 skirmishes intensified along the 300-kilometer Armenian-Azerbaijani border, especially around Lachin, the Azerbaijani town through which Armenians have created a transport corridor connecting Nagorno Karabakh to Armenia, running through twenty kilometers of Azerbaijani territory. Battles also erupted in the town of Kapan in southeastern Armenia,¹¹ in the Noiembran district of Armenia, as well as to the north, in the Kazakh district of Azerbaijan and the Ijevan district of Armenia. The Armenian government portrays the border incidents as attempts by Azerbaijan to draw Armenia into the conflict.¹² Azerbaijan, in turn, claims that border skirmishes, like the Karabakh conflict itself, are intended to fulfill Armenia's alleged national ambition of recreating historic "greater Armenia."¹³

Blockades

Azerbaijan has blockaded railroad lines and the delivery of oil and natural gas to Armenia sporadically since 1989, and fully and continuously since the fall of 1991.¹⁴ The blockades have shattered the Armenian economy, sparked social unrest,¹⁵ and created a devastating humanitarian crisis. Aside from its 300-kilometer eastern border with Azerbaijan, Armenia is bordered to the west by Turkey¹⁶ whose majority population shares a language and culture that is very close to that of Azerbaijan. Turkey overtly sides with Azerbaijan on the issue of Nagorno Karabakh, and makes delivery of humanitarian aid contingent on developments in the Nagorno Karabakh conflict.¹⁷ For example, while in the past Turkey facilitated the delivery of humanitarian aid from the European Community to Armenia, it ceased to do so after Armenian attacks on Kelbajar and Fizuli, forbidding the use of its territory and airspace for the delivery of all goods, including humanitarian aid.¹⁸ Also in reaction to the attacks on Kelbajar, Turkey

¹¹ In early December, for example, Armenia claimed that Azerbaijani bombing and shelling had killed twenty-five civilians and injured forty-six. Azerbaijan claims the attack was to free the Azerbaijani town of Zangelan, where Armenians had reportedly killed sixteen civilians. Reuters, "Armenia Says 32 Killed in Azeri Attacks," December 12, 1992.

¹² *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, September 1992, p. 12.

¹³ Views expressed to Helsinki Watch in interviews in May 1992 with officials in Baky and Yerevan, including Eduard Semoniants, who at that time was Deputy Security Advisor to the President of Armenia, and Albert Salamov, who at that time was First Deputy Minister of Foreign Affairs of Azerbaijan.

¹⁴ The Central Statistical Department of the Republic of Armenia estimates the damage of the one- and-a-half year blockade at 20 billion rubles. Armenian Assembly of America, *Daily Report*, October 15, 1992, p. 3.

¹⁵ On February 18 the National Self-Determination Association of Armenia led a demonstration of thousands in Yerevan to protest the Armenian government's handling of the blockade and economic crisis. *See* Agence France Press, February 20, 1993.

¹⁶ Turkey does not acknowledge a 1915 genocide of Armenians in Turkey, a subject which hinders the establishment of diplomatic relations between Turkey and Armenia.

¹⁷ Reuters, "Armenia Threatens to Reopen Risky Nuclear Plant," December 11, 1992.

canceled its planned grain delivery to Armenia.¹⁹

Finally, severe instability in Georgia, which borders Armenia to the north, has essentially sealed Armenia's isolation.

As a combined result of Azerbaijan's blockade, Turkey's relations with Azerbaijan, and civil unrest in Georgia, electricity, gas, oil, and grain—necessary for the basic human needs of civilians in Armenia—are in extremely short supply. All-night bread lines were a fact of life during the time of Helsinki Watch's visit to Yerevan in late October, and reportedly continue to this day. Acute shortages of electricity frequently cause water pumps to break down, depriving residents of running water, and at some points, limiting residents to one hour of electricity per day.²⁰ When Armenia's main source of natural gas, a pipeline that runs through Georgia, mysteriously blew up five times during the winter and spring,²¹ Armenians had no energy supplies to heat their homes. The Armenian government routinely claims that the Azerbaijani government is responsible for the explosions which take place in an area of Georgia that has a large ethnic-Azerbaijani community.²² The government of Azerbaijan routinely denies the charges.

Azerbaijan has encouraged its trading partners to maintain this economic pressure on Armenia. In January, for example, Turkey postponed its plans to supply electricity to Armenia following accusations from Azerbaijan that "close and brotherly ties" between the two countries would suffer as a result.²³ Azerbaijan insisted that oil and oil products sold to Georgia be used solely by Georgia, and held that Georgia's re-sale to third parties not approved of by Azerbaijan would possibly trigger sanctions by Azerbaijan.²⁴

Armenia has been dealing with a refugee crisis in the midst of economic collapse and absence of grain and energy sources: by July an estimated 20,000 new refugees had fled to Yerevan from Nagorno

¹⁸ Aidyn Mekhtiev, "Armenian Forces Occupy Kelbajar," *Nezavisimaia Gazeta*, April 4, 1993, p. 3.

¹⁹ Armenian Assembly *Daily Report*, April 13, p. 2. See also Reuters, "Turkey Urges Armenia to Stop Azeri Attacks," April 2, 1993.

²⁰ Reuters, January 29, 1993. See also Margaret Shapiro, "Foreign Journal," *Washington Post*, February 22, 1993, p. A10, and *Nezavisimaia Gazeta*, October 3, 1992, p. 3. See also Armen Khanbabian, "Armenia seeks to Break Trough the Blockade," *Nezavisimaia Gazeta*, December 30, 1993, p. 3, and Liana Minasian, "Armenia Faces Threat of Catastrophe," *ibid*, December 11, 1992, p. 3.

²¹ The fourth such explosion took place on January 22, 1993. See Interfax report in *Izvestiia*, March 6, 1993, p. 1. It blew up for the fifth time on April 6, after Armenian forces seized the Kelbajar area of Azerbaijan. Reuters, "Gas Pipeline to Armenia Blown Up For Fifth Time," April 6, 1993.

²² See, for example, *Nezavisimaia Gazeta*, January 28, 1993, p. 1.

²³ *The Turkish Times*, February 1, 1993, p. 3.

²⁴ Aidyn Mekhtiev and Djovded Djafaraov, "Tbilisi and Baky Sign Twenty-Two Documents," *Nezavisimaia Gazeta*, February 5, 1993, p. 1.

Karabakh, and the number rose again in response to the August air bombardments of Stepanakert.²⁵ As a result, refugees from Nagorno Karabakh, like most other Armenians, live in unheated facilities that have limited access to electricity, and can obtain bread only with great difficulty.

Since June 1992 the Nakhichevan Autonomous Republic of Azerbaijan has been subjected to a similar economic blockade. Azerbaijan claims that Armenia is responsible for the blockade, which cuts off railroad, electricity, and communication lines between Nakhichevan from the rest of Azerbaijan.²⁶ Armenia denies this claim, and maintains that the blockade is the result of Azerbaijan's blockade of Armenia: since Azerbaijan blocks railroad transport between the two states, and since the railway lines from Azerbaijan to Nakhichevan run through Armenia, trains cannot reach Nakhichevan. Similarly, Nakhichevan's critical electricity shortages are themselves the result of Armenia's energy crisis.²⁷

Negotiations

Peace negotiations and cease-fires in Nagorno Karabakh and along the Armenia-Azerbaijan border have been unsuccessful. Throughout the summer of 1992, efforts by the Conference on Security and Cooperation in Europe (CSCE) faltered over the issue of the status of Nagorno Karabakh²⁸ and its participation in the talks (which, since they are to lead to a peace conference in Minsk—the capital of Belarus—are known as the Minsk process) and over the Armenian seizure of Kelbajar, Shusha and Lachin. At the rounds of talks in the summer of 1992 in Rome, representatives condemned the bombings in Nagorno Karabakh by Azerbaijani forces. Representatives from Russia, the United States and France opined that as a result of these attacks the CSCE observers doubted seriously Azerbaijan's commitment to a peaceful resolution to the conflict.²⁹ The talks re-convened in Rome on February 26, 1993, despite Azerbaijani threats to walk out in response to Armenian counter-offensives in Martakert. Azerbaijani negotiators walked out of the talks on April 7 because, according to the Foreign Ministry of Azerbaijan, "Armenia is using the negotiations to capture Azeri territory."³⁰

²⁵ According to Larissa Allakhverdian, consultant to the Committee on Karabakh Affairs of the Armenian parliament. Helsinki Watch interview, October 27, 1993.

²⁶ Aidyn Mekhtiev, "We Don't Have Separatism Here," *Nezavisimaia Gazeta* December 15, 1992. See also Aiden Mekhtiev, "Visit to the Conflict's Background," *Nezavisimaia Gazeta* August 21, 1992, p.3. A cease fire agreement signed on August 20 by officials from Azerbaijan and Armenia also ordered an end to the blockade, bringing brief relief to Nakhichevan. Aidyn Mekhtiev, "Azerbaijan Has No Plans to Become a Part of Turkey," *Nezavisimaia Gazeta*, August 25, 1992, p. 3.

²⁷ Helsinki Watch interview with Mikit Kazarian, press spokesperson for the Armenian Embassy in Moscow, April 19, 1993.

²⁸ Authorities in Nagorno Karabakh claim they represent a sovereign and independent state. No foreign state has recognized the Nagorno Karabakh Republic. Moreover, Azerbaijan annulled the Nagorno Karabakh Autonomous Oblast in November 1991.

²⁹ *Nezavisimaia Gazeta*, September 10, p. 3.

³⁰ Armenian Assembly of America, *Daily Report* April 7, 1993. See also "Kelbajar in Flames," *Izvestiia*, April 6, 1993, p. 1.

In addition to its supervision of the Minsk process, the CSCE established an open-ended ad hoc group on Nagorno Karabakh in Vienna, authorized to dispatch monitoring groups to the conflict zone. Created on November 6, 1992, by the Council of Senior Officials of the CSCE, the group in late April 1993 began preparations to deploy 600 monitors to the area.³¹

The United Nations is not involved in Nagorno Karabakh negotiations. Its Security Council issued an appeal on October 27, 1992, for an immediate cease-fire in and around Nagorno Karabakh and for the lifting of all blockades. The appeal also supported General Secretary Boutros Boutros-Gali's plans to send a representative to the region to reach a settlement. The governments of both Armenia and Azerbaijan welcomed this appeal, although Azerbaijan generally objects to United Nations intervention.³² After Armenian forces seized the area around Kelbajar, the Security Council issued a statement demanding the withdrawal of Armenian forces.

Long-term cease-fires both along the Armenian-Azerbaijani border and within Nagorno Karabakh have also failed. A September 1, 1993 cease-fire between Armenia and Azerbaijan arranged by Kazakhstan and signed in Alma-Aty was broken a day and a half after it went into effect.³³ In Sochi, Russia, on September 19, 1992, Armenia, Azerbaijan and Russia agreed to deploy observers along the Armenia-Azerbaijan border; the agreement, however, was left unimplemented.³⁴ Disagreement between Armenia and Azerbaijan over who shall control Lachin have been stumbling blocks in recent negotiations: Azerbaijan has set out as a condition for further cease-fires the relinquishment by Armenia of Lachin, while allegedly guaranteeing that humanitarian aid would continue to reach Nagorno Karabakh.³⁵

INTERNATIONAL LAW AND THE PROTECTION OF CIVILIANS

The focus of this newsletter is the shelling and bombing by Azerbaijani forces in Nagorno Karabakh of civilians and civilian structures—homes, hospitals, churches, and other places that do not serve any apparent legitimate military objective.

International humanitarian law—the laws of war—sets forth protections for civilians. The chief concern of Article 3 common to the 1949 Geneva Conventions and of Protocol II additional to them (1977) is

³¹ Associated Press, "Two-Day Cease-Fire in Nagorno-Karabakh," April 20, 1993.

³² COVCAS Bulletin, No. II, vol. 32, p. 3. See also Foreign Broadcast Information Service, *Daily Report on Central Eurasia* (hereinafter FBISI), October 15, 1992, p. 52, where Foreign Minister Tofik Gasimov stated that Azerbaijan would agree to monitors only from CSCE, and not from the United Nations or any other body.

³³ "Alma-Ata Agreement Broken," *Nezavisimaia Gazeta*, September 2, 1992, p. 1.

³⁴ Only monitors from the Russian Federation were deployed, in the Krasnosel'skii District.

³⁵ Isa Gambarov, Chairman of the Parliament of Azerbaijan, stated at a press conference on September 1, 1992, that "we cannot ban the delivery of medicine and food to Karabakh. We seek only to ban the delivery of arms and military equipment from Armenia through the Lachin corridor." *Nezavisimaia Gazeta*, September 5, 1992, p. 1.

to protect civilians in times of internal armed conflict.³⁶ In addition, United Nations General Assembly Resolution 2444, *Respect for Human Rights in Armed Conflict*³⁷ guarantees the protection of civilians in all types of armed conflicts, internal or international.

As Helsinki Watch reported in *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh* (September 1992):

(T)he hostilities in Nagorno Karabakh are largely the product of the ongoing armed attempt by ethnic Armenians living in that enclave to secede from Azerbaijan and the use of force by the Azerbaijani government to put down that rebellion. Since virtually no state has recognized Nagorno Karabakh's claim to independent statehood, the armed conflict there is properly classified under humanitarian law as non-international, i.e. internal, in nature.

Even if other states directly intervene with their armed forces on the side of either party to the conflict in Nagorno Karabakh, such intervention, while certainly "internationalizing" that conflict, would not change the humanitarian law regime at least

³⁶ Common Article 3 states: Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, color, religion or faith, sex, birth, wealth, or other similar criteria.

To this end, the following acts are ... forbidden ... :

- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized by civilized peoples.

Article 13 of Protocol II states:

1. The civilian population and individual civilians shall enjoy general protection against the danger arising from military operations. To give effect to this protection, the following rules shall be observed in all circumstances.
2. The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence, the primary purpose of which is to spread terror among the civilian population, are prohibited.
3. Civilians shall enjoy the protection afforded by this Part, unless and for such time as they take a direct part in hostilities.

³⁷ Adopted by unanimous vote on December 18, 1969. G.A. Res. 2444, 23 U.N. GAOR Supp. (No. 18) p. 164, U.N. Doc A/7433 (1968). The Resolution sets forth "... the following principles for observance by all government and other authorities responsible for action in armed conflicts:

- (a) that the right of the Parties to a conflict to adopt means of injuring the enemy is not unlimited;
- (b) that it is prohibited to launch attacks against the civilian population as such;
- (c) that a distinction must be made at all times between persons taking part in the hostilities and members of the civilian population to the effect that the latter be spared as much as possible. ..."

as far as between Azerbaijani forces and ethnic Armenians.³⁸

Although the government of Azerbaijan has not yet acceded to the 1949 Geneva Conventions and its Second Additional Protocol of 1977, it is nonetheless bound by customary law rules applicable to internal armed conflicts.³⁹

The Parliament of Armenia ratified the 1949 Geneva Conventions on March 29, 1993, and the Azerbaijani Milli Mejlis (National Council) Government officials in Azerbaijan told Helsinki Watch that ratification is a high priority for its government, but it apparently has not put it on its parliamentary agenda.⁴⁰ In early December 1992 representatives of Armenian and Azerbaijani political parties and social movements, through the mediation of the Human Rights Center of "Memorial," the Moscow-based human rights organization, signed a protocol calling on all parties to the conflict to observe Common Article 3 in the interim.

Guidance in interpreting the protections of civilians found in Common Article 3 and Protocol II may be found in the provisions of Protocol I to the 1949 Geneva Conventions, which deals with international armed conflicts and has now risen to the level of customary international law.

Protocol I forbids intentional attacks on civilians, attacks that are intended to terrorize civilians, and "indiscriminate" or "disproportionate" attacks. Indiscriminate attacks "by their nature strike military objectives and civilians or civilian objects without distinction." They include attacks "not directed at a specific military objective"⁴¹ and attacks employing methods that "cannot be directed at a specific military objective" or methods whose effects cannot be limited by Protocol I. Protocol I, for example, unambiguously forbids shelling an entire village with Grad-type missiles, which have a low degree of accuracy, in the hopes of hitting the village's military headquarters. Significantly, Protocol I also prohibits bombardments that treat an entire area inhabited by civilians as a military object.

According to the principle of proportionality embodied in Protocol I's ban on disproportional attacks, damage to civilian life must not outweigh the gain to be made by any attack. Thus, for example, even if Armenian forces used as a headquarters the basement of a school in a residential neighborhood, it would be forbidden to bomb the school because children may be in classes and because the people living in neighboring houses would suffer. When it is not clear whether a structure such as a house or a school is being used for military purposes, attackers are required to presume that it is used for civilian purposes and desist from attacking.⁴²

³⁸ H.P. Gasser, *Internationalized Non-International Armed Conflicts: Case Studies of Afghanistan, Kampuchea and Lebanon*, American University Law Review, Vol. 33 (Washington, D.C., 1983), p. 145.

³⁹ For a full discussion of the international law applicable to the conflict in Nagorno Karabakh, see Helsinki Watch *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, September 1992, Appendix V, pp. 67-84.

⁴⁰ Helsinki Watch telephone interview with Leili Iunusova, February 8, 1993.

⁴¹ Protocol I, Article 51(4).

⁴² Protocol I, Article 52 (3).

VIOLATIONS OF THE GENEVA CONVENTIONS

Throughout the armed conflict, both sides—the Popular Liberation of Artsakh and the National Army of Azerbaijan—have treated civilians with appalling cruelty. Whichever side held the strategic advantage in Nagorno Karabakh at any given moment was the one that most egregiously violated the Geneva Conventions' rules that protect civilian life. Throughout the Armenian offensive in the winter of 1991-1992, Armenian forces attacked, killed, took hostage, and forced the departure of thousands of Azerbaijani civilians who were living in Nagorno Karabakh. While Azerbaijani forces held the town of Shusha, which overlooks Stepanakert, they pounded the latter with Grads and heavy artillery fire, hitting civilians, residential areas, hospitals, and the like.

When Azerbaijani forces went on counter-offensive beginning in June, they used SU-25 airplanes to shell and bomb scores of villages and towns before sending in ground troops. The airplanes were reportedly piloted by, among others, Russian mercenary pilots. According to G.H., a thirty-four-year-old fighter from Armenia interviewed by Helsinki Watch, Russian pilots were captured during the summer and "shown on t.v."⁴³ *Nezavisimaia Gazeta* reported that on January 22 a captured Russian pilot, Anatolii Chistiakov, gave an interview, in which he said that the Azerbaijanis routinely ask mercenary pilots to drop tear gas to cause panic among civilians.⁴⁴

The Defense Ministry of Azerbaijan maintains that the aim of the air campaign in Nagorno Karabakh is to force out Armenian troops, to "defeat [them] and take the territory."⁴⁵ Helsinki Watch believes that the Azerbaijani shelling and bombing were reckless and indiscriminate, and aimed at terrorizing and forcing out Armenian civilians. Like previous Azerbaijani attacks on Stepanakert, the shelling and bombing throughout the counter-offensive and beyond destroyed or damaged scores of homes and sometimes entire villages. In smaller towns and villages the attacks terrorized the civilian population, who for the most part fled before the arrival of ground troops. The counter-offensive took a heavy toll on civilian lives. Whereas the death toll among Armenian civilians from October 1991 through April 1992 was estimated at 169,⁴⁶ for the months of June 1992 through January 1993 it has been estimated at 1,500.⁴⁷

Our conclusion is based on interviews with more than forty refugees⁴⁸—victims and

⁴³ G.H. could not describe under what conditions the pilots were made to appear on television.

⁴⁴ *Nezavisimaia Gazeta*, January 1993.

⁴⁵ Telephone interview with Leili Iunusova, February 8, 1993.

⁴⁶ Helsinki Watch interview with Armen Yesarulov, Interior Minister of the self-proclaimed republic of Nagorno Karabakh, in Stepanakert, May 1, 1992. See *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, September 1992.

⁴⁷ Garik Sarkissian, of the State Administration on Special Programs, in a telephone interview with Helsinki Watch, January 8, 1993. Neither Mr. Sarkissian nor Mr. Yesarulov was able to explain the basis for classifying a death as "civilian" or the circumstances surrounding these deaths.

⁴⁸ For reasons of safety, Helsinki Watch representatives did not go to Nagorno Karabakh during their fact-finding

eyewitnesses—who described not only a consistent pattern of shelling and bombing, but also similar situations in towns and villages in Nagorno Karabakh. Despite the fact that today front lines exist (albeit shifting ones) in Nagorno Karabakh, there are very few types of military objects, such as bases, arms factories and the like, that are clear and easy targets of ground missile or air raid attacks. Each village has a military post, usually about a kilometer away, and many have military headquarters, usually in the village or town center. In its counter-offensive, Azerbaijani forces bombed and shelled entire villages or towns, eventually hitting the post or headquarters (both legitimate military targets) but causing the entire town or village to suffer. Indeed, in many cases refugees told Helsinki Watch that when they left their shelled villages and destroyed homes, the military headquarters or post was still intact.

The bombs Azerbaijani forces use are primarily 500-kilogram (half-ton) bombs and cluster bombs. Cluster bombs explode into hundreds of small balls and are intended to hurt people, as opposed to structures. Half-ton bombs are intended to cause property damage: when they hit their targets they create a wide wave of destruction. Interviewees routinely described to Helsinki Watch the way half-ton bombs leveled houses, groups of houses and multi-story buildings. A woman who had lived in Stepanakert since 1955 but fled because of the bombings gave Helsinki Watch a vivid picture of the damage left by the bombs:

Sometimes there are three planes at a time. The [bombs] make big, big holes, like pits. Trees with their roots come up. I saw one of these pits. It was about five by five meters—it was opposite the hotel. A woman died nearby it. There were all private houses around. The house was damaged, pots and pans were lying around nearby. The wall was destroyed and you could see what was in the house.

Even in cases where they hit legitimate military targets, when such bombs are dropped in a city or town center where civilians still live, they are bound to cause disproportionate suffering among civilians. According to Viacheslav R., a retired lieutenant-colonel in the Russian army,⁴⁹ the rockets (Grad, Oragan, Alazani, and "sea rockets,"⁵⁰) and heavy artillery used by Azerbaijani forces, as noted above, are not accurate enough to hit specific targets.

Stepanakert

Throughout the winter of 1991-1992, Stepanakert were rocked by Azerbaijani Grad, tank and cannon fire, and by other artillery. By May 1992, when Helsinki Watch visited Stepanakert, the residential neighborhoods had undergone wide-scale destruction. After Azerbaijani forces left Shusha, located a few kilometers from Stepanakert, in mid-May, there was a ten-week lull in shelling, followed by air raids and renewed shelling.

Air Raids

mission and could not see for themselves the sites that were attacked.

⁴⁹ Helsinki Watch interview in Moscow, February 1993.

⁵⁰ Ships that were part of the Caspian Fleet were equipped with sea rockets. With the break-up of the Soviet armed forces, Azerbaijan acquired about one-fourth of the Caspian Fleet.

Bombing near Stepanakert began in July, and intensified in and centered on the city in August, when its population was swollen with refugees from Martakert and other regions of Nagorno Karabakh. Many refugees who fled the constant shelling and bombing of their villages told Helsinki Watch that they had then fled Stepanakert because of the air bombardments. A young nurse from Martuni who was wounded in Stepanakert summed up the views expressed by dozens of interviewees when she told Helsinki Watch: "one can hear the Grads, but not this [airplane] bombing."

Valia Melkounian, a twenty-three-year-old nurse originally from Sumgait, told Helsinki Watch she was so frightened by the bombings that "after the second or third bombing we didn't come out of the basement. You hear the plane, the plane flies away, and the bombs fall. It happens at any time during the day. The last bombings were really bad, and I lived through the Grads, the cannons, and everything else."

Similarly, Mila Voskanian, who worked for fifteen years in a textile factory in Baku and fled to Nagorno Karabakh, explained to Helsinki Watch that she "left Arajadzor in August and stayed in Stepanakert for one month, but I left Stepanakert because there were bombings every day. Mostly it was during the daytime, almost never at night, at least not when I was there." Her co-villager, A.A. (she asked to remain anonymous), said that from August 20 through 28 there were bombardments every day, always during the day. A woman from Maraga (who also asked to remain anonymous) sought refuge in Stepanakert for a month, but on August 29 fled to Yerevan. "Because of the bombardment, my children became frightened to death. The bombs fell on the city, near the central square, on the dormitory, on the kindergarten. After that it was impossible to keep my children in the city, so we left."

Nina Farsian, another woman from Maraga, told Helsinki Watch:

I lived in Stepanakert for two months. At first it was good, but when the bombardment began it was very hard . . . I didn't want to stay there. I wanted to go back to my village, to my house, even if it [was damaged]. There were times when they would bomb four times a day. They would drop bombs when they knew there were lots of people, on schools and squares.(32)

Azerbaijani bombardments on August 22, 23 and 24 caused the most intense civilian damage during the air campaign, killing an estimated forty civilians, and wounding about 100.⁵¹ At about 4:00 p.m. on August 22 a 500-kilogram bomb landed on a five-story dormitory that belonged to the Stepanakert Pedagogical Institute, levelling half of it, causing casualties and damaging the four-story apartment buildings nearby. People who remained under its ruins reportedly had to be removed by crane. The dormitory housed about 300 refugees from Baku and Sumgait, Azerbaijan (who had been living there since 1988), as well as refugees who had been evacuated from their villages during the summer battles for Martakert. It was not in the close vicinity of military targets, such as government buildings. According to victims' accounts given to Helsinki Watch, its roof was not used to launch anti-aircraft missiles.

Rose Martirosian, a twenty-eight-year-old woman from the village of Mataghis, lost her four-year-old son in the bombardment. She had been living in the institute dormitory since early June,

⁵¹ Reuters, "Armenians Say Dozens Killed Amid Azeri Bombing," August 23, 1992.

along with her husband, father, and two children. When Helsinki Watch spoke to her in Yerevan's City Hospital Number Three, she had a large, jagged scar on her right eye, and her right leg was in traction. She told Helsinki Watch:

I lost consciousness so I don't remember exactly what happened. My husband and children and father were lying in bed in the room. I had just come home. They didn't hear the sound. The panels fell, my child was thrown under the bed. We were all in smoke. My husband took me out from the panels. The room had a window and the glass went into the area around my eye.

My chin was broken from the fragments. My knee was all in fragments, and I still have fragments in my body, but in the soft tissue. Fragments were found in my husband's body, and in my other child's body.

At that moment we lost our other child. He was afraid and hid in a hole. My husband found him later. He was four years old.

Arvhavir Mnatsakanian, a fifty-three-year-old father of three staying in the dormitory, lost his wife and was severely wounded by shell fragments. He told Helsinki Watch that:

I was on the balcony, on the second floor of a five-floor dormitory where we lived. I wanted to wash my hair. I didn't see the explosion, I only heard it. My left leg was blown off, and a fifth of my right leg, too. I lost consciousness for two or three minutes, and when I came to I was still on the balcony. The stories above me were destroyed.

"I was playing in the yard when the airplane dropped a bomb," explained Boris Harutrian, a seven-year-old whose legs were broken from shell fragments. According to his mother, Elena, Boris was playing in the yard of his building. Mrs. Harutrian told Helsinki Watch:

We were all in the yard, talking. Then we heard the sound of the airplane, and I saw my child falling down. I was standing two or three meters from him. The bomb fell on the dormitory, about 200 meters from us, not on the same street, but in the same area. He was hit by the fragments.

Another bomb in the same attack landed in a yard near the cluster of four-story apartment buildings near the dormitory referred to above. According to Tsorinar Hahramanian, that bomb's wave (or after-effect) killed five children in the buildings, among them her four-year-old son, Artur. Mrs. Hahramanian, who worked in an electro-technical factory, told Helsinki Watch that the bomb fell near the bus station from which buses departed for Shusha and Stepanakert. A twenty- or twenty-five-minute walk from the city center and government buildings, Mrs. Hahramanian's neighborhood also had a traffic inspection post where "fedayins" (the popular term for Karabakh Armenian fighters) on leave had begun to sleep at night. Neither she nor her mother, Ella (who was injured in a cluster-bomb attack several weeks later), knew whether the men were armed.

Mrs. Hahramanian gestured to two armchairs pushed together in the hospital room, where she was caring for her mother, to indicate the size of the hole in the ground left by the bomb (about one meter). She explained to Helsinki Watch that just before the bomb fell,

I was cooking on a fire I made in the yard—we didn't have any gas or electricity at home. My son and daughter were with me in the yard. I made soup from a mix that my husband had got from his rations. I sent my daughter into the house, but my son stayed with me. I was standing near the fire, a small distance from my son. He said, "Mommy, I'll go back to the house with you." At that moment, without our hearing a sound, a 500-kilogram bomb fell.

There were three apartment buildings, and the fourth building was ours. The bomb landed in the yard, in front of our building. I was covered with dirt, and three trees had fallen. I was suffocating, I couldn't breathe, I swallowed dirt. I couldn't help my son.

Four children were killed near our window. Their legs were cut off. Then I found my son; he was lying on his back. I took him in my arms. I thought he had fainted, so I put my finger in his mouth to keep him from swallowing his tongue. The bomb landed two or three steps from our garden. The wave threw my child toward the window of our building. The soft tissue of his leg was cut and he had a wound on his head. He was still alive. They operated on him [for head injuries], but . . . he died the next morning.

Those who survived the bombing packed their things so they could run away.

A young nurse from Martuni, who declined to give her name, sustained head injuries during an air raid on August 23. She had fled Martuni and arrived in Stepanakert August 20, hoping to find a safe place to live. Three days later, a bomb fell on the house where she was staying, located in a residential neighborhood. She told Helsinki Watch that three of her relatives were killed in that house, and, according to the young woman's mother,⁵² nine people were killed in the house next door, which was also destroyed in the explosion. Her head shorn after an operation related to her injuries, she told Helsinki Watch:

I used to have long, curly hair. They still keep my hair in the operating room.

It happened in the afternoon, around 1:00. We were in my aunt's house when we heard a roar, and the house completely exploded. We were in the house when it exploded. Each bomb had a wave and this wave threw us down to the first floor, and I hit my forehead on the floor. The left side of my skull hit the corner of the wall. After they transported me to Yerevan, Jackson's epilepsy began in my arm so they had to operate immediately. My skull is broken and something is wrong with my brain—I cannot move my hand freely.

My aunt's husband died, his future daughter-in-law, and her twelve-year-old grandson. Their bodies were cut into pieces. My sister-in-law's eyes were burned and she couldn't see for three days. My aunt has [shell] fragments all over her body.

They had newly started the air bombardment. They tried most of all to drop bombs on multi-story houses. The day before [my bomb] a bomb fell on a five-story apartment house

⁵² Interviewed separately by Helsinki Watch on October 28, 1992.

and destroyed it completely.

The young woman's mother sustained shell-fragment wounds in her ribs and in both her knees. Interviewed by Helsinki Watch, she said:

We were on the first floor. I heard the sound of the airplane, and then the explosion. I lost consciousness, and my left ear was damaged—to this day I can't hear out of it. Five minutes later I came to and saw there was nothing left of the house—just bricks and debris.

Sasoon Gasparian, an eleven-year-old boy from Stepanakert, reportedly was playing in his neighbor's yard on Michurin Street when the August 24 bombardment started at about 2:00 pm. The boy's right leg was amputated as a result of shell wounds. According to Sasoon's mother, forty-year-old Marietta Gasparian, the neighbor's house was among other houses in a residential neighborhood about a fifteen- or twenty-minute walk from the center of town. Mrs. Gasparian told Helsinki Watch:

When we heard the sound of the plane [Sasoon] wanted to run to the house, to the cellar, but he didn't make it. You don't hear the bomb beforehand, you only hear it when it explodes. I was near the gate. It was afternoon, around 2:00. We'd been hiding in the cellars for many months.

There were some people nearby who died [from that explosion]. They were our neighbors, Emma (about forty-five years old), Adlea (between thirty and thirty-two years old) and her son, Seriozha, who was twelve.

Sasoon added:

I saw lots of places where the bombs fell. They leave big holes, you could put a car in them. When they don't just hit one house, they destroy many houses in the neighborhood. It happened near the grocery store, near the Institute. Mine was a big bomb. It wasn't one of those cluster bombs. The smaller bombs came after mine. My father was a fedayin. He died. I want to be a fedayin.

On September 25 Azerbaijani forces dropped a cluster bomb in the center of Stepanakert near government buildings. The bomb landed close to the bus stop in the city's central square. Helsinki Watch interviewed Ella Rahamian, a fifty-year-old woman who received a wound in her left leg as a result of the bombing. Mrs. Rahamian, who worked as a controller in a shoe factory, said:

It was about 11:00 in the morning. I had gone to the obkom [regional executive council], and I was coming back. When I was near the bus stop I saw that an airplane was dropping bombs. I didn't manage to hide anywhere. Somebody told me to lie low, but at that moment a fragment hit my leg. It's in my heel. The fragment cut the heel.

The bomb landed about ten or fifteen meters from me, on the street, near the [government buildings]. I didn't notice whether there were many people there, . . . there usually are. Trees are there.

The plane dropped many bombs on its way. I was taken to the hospital. [Many] . . . other wounded people were brought to the hospital, so from that I understood that the plane had flown a long way dropping bombs.

Yuri Babaian is a forty-seven-year-old man who said he had been fighting in Nagorno Karabakh for four years. His family is from Akhbulak, a village in the Gadрут district. His daughter, who had been living and studying Russian in Stepanakert, returned to their village when the bombings started. An air attack on August 26 reportedly destroyed her apartment in Stepanakert. Mr. Babaian saw the apartment after it was bombed. He told Helsinki Watch that

It happened at night, the night of the 26th and 27th of August. I saw it afterwards. Everything was damaged. There was no roof, and the walls were damaged. One of the neighbors, a woman, was killed the same day. Their address is 3 Kamo Street. There are houses all around it. It's about 600 meters from the headquarters, which is responsible for the military posts. The headquarters wasn't hit. They're dropping bombs on the town, but the headquarters hasn't been hit.

According to Siuri Mirzoian, on the morning of October 13 Azerbaijani forces subjected her neighborhood in Stepanakert to an air raid.⁵³ Mrs. Mirzoian, a forty-six-year-old refugee from the village of Magavuz, and her family had been staying with relatives there since July 6. She reported to Helsinki Watch that of the eight people who were at home that afternoon, five were wounded, including her fourteen-year-old daughter, Zvard. The bomb blew out one of the walls and shattered the windows of their relatives' house. Zvard, who sustained wounds in her left shin, foot, and hands, told Helsinki Watch:

I heard the sound of the airplane. I ran home, and when I got there I heard the explosion. My grandmother didn't manage to run to the house in time, and she was killed. The house next door, a few meters from ours, was levelled to the ground. The entire family was gathered for a meal and they all died.

Shellings

In addition to the bombings, Azerbaijani forces continually shelled Stepanakert with Grad and other long-range missiles mostly, according to Armenian sources, from Agdam, an Azerbaijani town about twenty-four kilometers east of Stepanakert.

Donara Akhmonian lived in a neighborhood of one-and two-story houses in Stepanakert, where she worked at a blood transfusion center. She reported that on June 30 a Grad shell landed in the courtyard of her home on 50th Anniversary of Nagorno Karabakh Street, which was about a kilometer from the center of town, and that the shelling that day killed her husband and her neighbor, thirty-three-year-old Arzu Makhmur. Mrs. Akhmonian's left leg had to be amputated, and shell fragments seriously wounded her right

⁵³ Armenian sources reported air raids on residential neighborhoods of Stepanakert on October 25, 1992 at about the same time, but not on October 13. *See* Armenian Assembly of America *Daily Report*, October 26, 1992, p. 1, and October 27, 1992, p. 3.

leg. The roof, windows, and walls of her home were destroyed. She told Helsinki Watch:

I was wounded in Stepanakert on June 30th. For two months it was very calm in Stepanakert, and then suddenly this . . . The shell hit our yard, it hit from the back of the house. It was summer and it was still light out. It was about 5 or 6 pm. My husband was outside, and I was going to take him into the cellar. I didn't reach even the gate. When I saw my husband coming to the gate I fainted. Then, I don't know how much later, I saw my neighbor near me, and I noticed I was lying on the ground. I heard my husband's voice. Maybe that's what woke me. My husband died. They operated on him, but he died. A shell fragment hit him in the stomach.

All the roses were in bloom, and the grape vines had blossomed. You can't believe that after such a misfortune roses would be in bloom. That day there were many casualties, many dead.

On August 14, a Grad reportedly hit Kindergarten Number One, which was being used to house refugees from Martakert. Liusineh Chalian, a fifteen-year-old girl, sustained a serious wound to her pelvic bone and light wounds to her right leg. Miss Chalian, who had been living in the kindergarten since she fled Martakert on June 28, lost consciousness when the shell hit the building. She reported to Helsinki Watch that other people told her that one person died and that the kindergarten building was "severely damaged" from the explosion.

During a late September shelling, a shell (reportedly a sea rocket), landed on Kindergarten Number Three, another two-story kindergarten where refugees from other locations in Nagorno Karabakh had been living. The kindergarten is near the main hospital in Stepanakert, which Azerbaijani forces had shelled several times during the winter of 1992; according to eyewitness testimony, no buildings used as military headquarters or rocket launcher sites were nearby.

The Bagdasarian family had been living in the kindergarten building since they fled their village in the Martakert district. One-year-old Garanch Bagdasarian and her aunt, Elenora Bagdasarian, were killed in this late September attack. Garanch's brother, seven-year-old Mofses Bagdasarian, had his leg amputated as a result of fragment wounds. When Helsinki Watch spoke to Mofses Bagdasarian and his mother at the Children's Hospital Number Four in Yerevan, he said that just before the bombardment, he was "playing. There was a grapevine in the yard and we were picking them and eating them. Many people collect grapes there." His mother, Nazig Petrossian, added:

I went with my mother-in-law to the town center to receive some money. Then we heard that a bomb had hit Kindergarten Number Three . . . It was about 3 or 4 in the afternoon. My sister-in-law's daughter also died at the same time. Her name was Hasanik Petrossian. She was six years old. Many others also died from that explosion. Six people died immediately, and one died in Yerevan in the hospital. I didn't see the building [after it was shelled].

Martakert District

Martakert

Iura Mirzoian, a retired carpenter at a wine factory, claimed he was struck by Grad shell fragments during shelling on June 11, about 300 meters from his house in the town of Martakert, wounding his legs, arms, and hips. Martakert's self-defense post was, in Mirzoian's account, about 600 or 800 meters from the center of town. The headquarters, which Mirzoian described to Helsinki Watch as a one-room office, was in a private house several hundred meters from his own home, and was indistinguishable from other houses around it.

On June 24, after Mirzoian left for Armenia to have his wounds treated his house was bombed, killing his thirty-two-year-old son, who was blind. Vera Bagdasarian, Mirzoian's wife, was still in Martakert when the house was bombed. The left side of the house, in her words, "disappeared at once."

Mrs. Bagdasarian told Helsinki Watch that when the bombardment began,

I was out near the house, I wanted to get water—we have a water spring in the yard. It was about 4:00, but I'm not sure. If I were in the house the same would have happened to me. We didn't even manage to take my son's body to the graveyard. He was buried under a tree. There was nobody there. By the time the Turks (Azerbaijanis) attacked, all the people in the town had escaped. But I knew that my son could not leave home and as a mother I couldn't leave him alone.

As Jasmin Zakharian and her three daughters were fleeing the town of Martakert on July 4 upon the arrival of Azerbaijani ground troops, they reported that they managed to get a ride on a tractor-trailer in the town's center. They did not get very far when the tractor reportedly was hit by a shell, killing three other women riding in it. Mrs. Zakharian's eleven-year-old daughter, Armeneh, lost half of her left leg in the explosion, and Mrs. Zakharian's arm was hit by fifteen shell fragments.

Thirty-one-year-old Vera Aranian was on the same tractor-trailer, having fled her native village of Mokhratag, about seven kilometers from Martakert. Shell fragments punctured her left arm, breaking part of the bone.

Kusapat

On August 4, when Armenian forces lost control of the village of Nerkin Horator, Asia Manucharian, a forty-year-old state farm worker, fled to the nearby village of Kusapat. According to Mrs. Manucharian, Nerkin-Horator and Kusapat shared self-defense headquarters, located in Nerkin-Horator. Hence, Kusapat did not have a headquarters of its own. After she and her family reached Kusapat, it was bombed. Mrs. Manucharian told Helsinki Watch that

an airplane came and dropped bombs. The bombs fell on the village, on the hospital. They dropped four bombs. It made a big hole when it hit a two-story house. Two schoolchildren died, and two others were wounded. I don't know the schoolchildren. They were from Kusapat.

Arajatzor

According to two refugees from Arajadzor, a village of about 300 or 400 homes and more than 1,000 people, the village's military post was located a few kilometers outside the village. Women and children were gradually evacuated in early to mid-August, after reportedly constant Grad and air attacks.

One of these refugees was Mila Voskanian, who lived in Arajadzor from 1989 (when she fled Baku), through mid-August 1992. She told Helsinki Watch that the first use of air bombings by Azerbaijani forces was sometime in June (although she was not sure), and that by July bombings had begun to occur either every day or once every two days. She reported that on the first day of the air campaign bombs landed near—but not on—the village hospital, causing no property damage. The next day, she noted to Helsinki Watch, a bomb landed about 100 meters from the hospital, and the subsequent day the same area was again bombed, this time destroying

five or six houses. There wasn't anything left of them, just big holes in the ground. Our house was on the other side of the street. Our windows burst from the bomb's repercussions. By the time we left Arajadzor (in August) there was no roof left on the hospital.

Jianatah and Giulatah

Jianatah, a village of about 1,000, was bombed for three days in early July before it was taken by Azerbaijani forces. Tania Shagarian, a thirty-year-old woman who worked as an accountant at the village's state farm, alleged that while she was still in Jianatah, Azerbaijani forces bombed the village center first, then began bombing the military posts. She told Helsinki Watch that "the bombs landed everywhere, in the center, on the outskirts." Although her house was not damaged during the bombing, three days after the Azerbaijani forces took the village, they reportedly burned her house, according to information she received from her husband, who returned to the village several days later.

Mrs. Shagarian also described a July 3 bombing of the neighboring village of Giulatah, which killed her cousins, Margurtum and Arkhon Gabrelian, aged about seventy and sixty-five respectively. The Gabrelian's house was near a school; the school was still in use,⁵⁴ yet the local Armenian self-defense, seriously compromising the safety of the children attending the school and of people living nearby, used the school as a military headquarters. Mrs. Shagarian did not know exactly what kinds of military planning activities were carried out there. She was in another house about a kilometer away when the bomb landed:

It happened during the day. [My cousins] were in their kitchen garden. It was their garden, they were working there. There were two bombs, one fell directly on the garden when they were working, and the other on the neighbor's. All around there were houses and gardens. We buried them the same day.

Haterk

In some areas of Martakert the bombardments reportedly ruined fields used for growing grain and other produce, which were reportedly not in proximity to legitimate military objectives. Haterk, for

⁵⁴ Lessons were not held in the winter because of the cold, and were made up during the summer.

example, is reportedly surrounded by 2,000 hectares of corn, grain and potato fields, according to one of its residents, Samuel Petrossian, a thirty-two-year-old state farm worker. He told Helsinki Watch:

Half of them are ruined because of the bombing. People who worked in the fields were there, but no fighters. When we wanted to collect the grain they started to attack, and we left everything, combines, everything.

Vaguas

Bombing in Vaguas, according to two residents, did not cause significant additional damage to homes, which had previously been destroyed by Grads. Two women from Vaguas separately described the bombing of the village cemetery, located near village houses but not near the village post, which was on the outskirts.

The same two residents reported, from second-hand knowledge, that homes in Vaguas had been burned. A third resident, a twenty-year-old man, said he went to the village, which had passed several times from Armenian to Azerbaijani control. Having gone to Vaguas with "a peacekeeping group" in September he saw that, aside from whatever destruction had occurred before the Azerbaijanis took the village, all of the houses had been burned. The man, who asked not to be identified, told Helsinki Watch that "when a house is destroyed by a Grad there's just destruction. The houses I saw were just burned. They didn't take things away, except maybe televisions and refrigerators, they just burned them. The houses were made of stone. Our house was very big. It had two floors."

Hadrut District

Three refugees from Hadrut in the southeastern part of Nagorno Karabakh, reported separately to Helsinki Watch that all of the houses in the center of the town of Hadrut had been damaged or destroyed.

Metz-Taglar

Amalia Avanasova, a woman about seventy years old, is a four-time refugee who spent two weeks in early June in the village of Metz-Taglar, where civilians from eighteen neighboring villages had fled. She described to Helsinki Watch the Grad shelling of a home in Metz-Taglar around June 4 or 5.

Their mother had gone out and her three children stayed in the house. The house was exploded. Two of the children died right there. The other was wounded and they brought him to Stepanakert. I didn't know them, I heard about it. I saw the house. Nothing was left.

The house's environs, by her account, consisted of other two-story houses, "here and there. It was a neighborhood where people lived." She knew that the military headquarters was located somewhere in the village, although she did not know exactly where. Nearby was a school that was reportedly used as a shelter for refugees from surrounding areas, and which was also used as a distribution center for flour and other food products. Throughout her stay in Metz-Taglar, according to Mrs. Avanasova, the village was

shelled and/or bombed every day, but the school was not hit, just the houses around it.

Togh

Andranyik Atalian told Helsinki Watch that he left Togh, a village of about 700 people very close to the border between Nagorno Karabakh and the rest of Azerbaijan, "because they were bombing Togh very strongly, from airplanes and grads. A grad landed on my house [last month] and part of it was destroyed. I can't even call it a house anymore."

Atalian, a sixteen-year-old, reported that Azerbaijani forces dropped both pellet bombs and stronger bombs. She said that in the early summer the village's apple orchard was bombed for no apparent reason. It was located in the opposite direction, and far from, the village military post. "It's only civilians there," Atalian told Helsinki Watch. "The orchard—that's not where the post is, it's only civilians. The self-defense post was in the south of the village. The apple orchard was far from it. I'm not sure when it was, maybe it was the beginning of the summer. Now all the apples are dry."

Meli-Kashan

On July 27 Azerbaijani forces shelled the self-defense post of Meli-Kashan, a small village in the mountains about five kilometers from the town of Hadrut. According to Alek Mousaiellan, a thirty-year-old fighter in the self-defense forces, the same shelling attack destroyed his house, which was about 200 meters from the post. Mousaiellan's mother was killed when shell fragments hit her face, and his wife and child were wounded.

* * *

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Helsinki Watch was established in 1978 to monitor domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. The chair of Helsinki Watch is Jonathan Fanton and the vice chair is Alice Henkin. Jeri Laber is executive director; Lois Whitman is deputy director; Holly Cartner is staff counsel; Julie Mertus is counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; and Pamela Cox, Christina Derry, Ivan Lupis and Alexander Petrov are associates.

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