

INTERNATIONAL COURT OF JUSTICE

**APPLICATION OF THE INTERNATIONAL CONVENTION ON THE
ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

**ARMENIA
v.
AZERBAIJAN**

**REQUEST BY THE REPUBLIC OF ARMENIA
FOR THE INDICATION OF
PROVISIONAL MEASURES**



VOLUME I

28 SEPTEMBER 2023

Table of Contents

I.	INTRODUCTION.....	1
II.	THE FACTS COMPELLING THE REQUEST	5
	A. Azerbaijan’s Siege of Nagorno-Karabakh Before its 19 September 2023 Attack	5
	B. Azerbaijan’s 19 September Attack	15
III.	PRIMA FACIE JURISDICTION	32
IV.	THE RIGHTS WHOSE PROTECTION IS SOUGHT AND THE LINK BETWEEN SUCH RIGHTS AND THE MEASURES REQUESTED.....	33
V.	RISK OF IRREPARABLE PREJUDICE AND URGENCY	36
VI.	PROVISIONAL MEASURES REQUESTED.....	38

I. INTRODUCTION

1. In accordance with Article 41 of the Statute of the Court and Article 73 of the Rules of Court, the Republic of Armenia (“**Armenia**”) urgently requests that the Court indicate provisional measures against the Republic of Azerbaijan (“**Azerbaijan**”) to preserve and protect rights enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination (“**CERD**”). Given the extraordinary gravity of the situation as described below, Armenia also requests, pursuant to Article 74(4) of the Rules of Court, that the President, pending the Court’s decision on Armenia’s request, immediately call upon Azerbaijan to act in such a way as will enable any order the Court may make on the request to have its appropriate effects.

2. On 19 September 2023, Azerbaijan—in manifest violation of the ceasefire agreement included in the 2020 Trilateral Statement¹ and its obligation not to aggravate the dispute reiterated in multiple Orders of the Court²—launched a full-scale military assault on the 120,000 ethnic Armenians of Nagorno-Karabakh, indiscriminately shelling the capital, Stepanakert, and other civilian settlements.³

¹ Ministry of Defense of the Russian Federation, *Information bulletin of the Ministry of Defense of the Russian Federation on the activities of the Russian peacekeeping contingent in the Nagorno-Karabakh conflict zone (as of September 19, 2023)* (19 September 2023) (certified translation from Russian) (**Annex 55**).

² See *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, I.C.J. Reports 2021, p. 361, para. 98(1)(c); *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Request for the Modification of the Order of 7 December 2021 Indicating Provisional Measures, Order of 12 October 2022*, para. 23(2); *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023*, paras. 3, 7; *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Request for the Modification of the Order of 22 February 2023 Indicating Provisional Measures, Order of 6 July 2023*, para. 30.

³ “Azerbaijani forces strike Armenian-controlled Karabakh, raising risk of new Caucasus war”, *Reuters* (19 September 2023), available at <https://www.reuters.com/article/armenia-azerbaijan->

The assault comes on the heels of Azerbaijan’s nine-month blockade of the Lachin corridor. While reliable information remains scarce, it is clear that the attack killed and wounded hundreds, including civilians, and at least 30% of the population was almost immediately displaced within Nagorno-Karabakh.⁴ Moreover, as with Azerbaijan’s prior attacks on ethnic Armenians, credible reports of atrocities against civilians have already begun to appear.⁵ Meanwhile, vile Armenophobic hate speech continues to be circulate prolifically on Azerbaijani social networks.⁶

3. Thousands of the forcibly displaced men, women and children were forced to live in the streets of Stepanakert, or in basements or other shelters, without

idCAKBN30POL9 (**Annex 56**). The attack was unprovoked but pretextually characterized by Azerbaijan as an “anti-terrorist operation” following the explosion of two landmines in an area under the total control of Azerbaijan’s army which Azerbaijan attributed without a shred of evidence to a commando-style operation allegedly led by local Armenian forces. See “Azerbaijan launches ‘anti-terrorist’ operation in Nagorno-Karabakh”, *Financial Times* (19 September 2023), available at <https://www.ft.com/content/62d7923b-e68d-41ff-9ad6-428562389510> (**Annex 71**). See also Compendium of Illustrative Images Showing the Civilian Suffering and Forced Displacement Resulting from Azerbaijan’s Military Assault on Nagorno-Karabakh and its Targeting of Civilians and Civilian Structures (Confidential) (**Annex 122**).

⁴ Ministry of Foreign Affairs of the Republic of Armenia, *Statement of Foreign Minister of Armenia Ararat Mirzoyan at the 78th session of the United Nations General Assembly* (23 September 2023), available at https://www.mfa.am/en/speeches/2023/09/23/fm_unga/12236, p. 2 (**Annex 97**).

⁵ See, e.g., Nagorno Karabakh Observer, @NKobserver, “Reports of war crimes by Azeri forces in ethnic-Armenian Karabakhi villages. We’ve come across some reports, verified a few, working on getting a detailed picture. This could partially explain why many in the regions further out remain unaccounted for 3 days after the ceasefire”, *X* (23 September 2023), available at <https://twitter.com/nkobserver/status/1705605392074445040> (**Annex 98**); Lemkin Institute for Genocide Prevention, @lemkininstitute, “There are stories coming out of Artsakh of the beheading of children and the separation of older boys and men from women and children. We hope these are not true, but we have every reason to believe that they are”, *X* (22 September 2023), available at <https://twitter.com/lemkininstitute/status/1705395252385714513> (**Annex 94**); “Monitoring Ethnic Cleansing in Nagorno-Karabakh”, *University Network for Human Rights*, available at <https://www.humanrightsnetwork.org/nk-live-monitor>, PDF p. 7 (“Reports began surfacing of extrajudicial killings of civilians, ... as well as hostage-taking and sexual violence”) (**Annex 119**).

⁶ See *infra*, para. 23. See also Demonstrative List of Hate Speech and Racial Hatred by Azerbaijani State Officials, Public Figures and Other Individuals and Groups against Armenians Following the 19 September Military Assault against Nagorno-Karabakh (**Annex 121**).

adequate heat, electricity, medicine, sanitation facilities, or food, terrified of what the next hour might bring.⁷ Hundreds of civilians remain missing.⁸

4. Under the terms of a ceasefire agreement Azerbaijan imposed on the Nagorno-Karabakh authorities on 20 September 2023,⁹ the local armed forces have begun laying down their arms. Azerbaijan, however, continues to ignore widespread calls from the international community to offer transparency and credible assurances that the rights and security of the ethnic Armenians of Nagorno-Karabakh will be respected, including by permitting neutral international observers to access the region.¹⁰

5. As of 27 September, eight days after Azerbaijan's attack, tens of thousands of ethnic Armenians have been forcibly displaced from their ancestral

⁷ *See infra*, paras. 21-22, 24.

⁸ *See infra*, para. 20.

⁹ "Stepanakert and Baku reach 6 agreements", *News.am* (23 September 2023), available at <https://news.am/eng/news/782870.html> (**Annex 99**).

¹⁰ *See infra*, para. 26.

homeland to Armenia.¹¹ Accounts that have emerged to date are harrowing.¹² The former State Minister of the civilian administration has already been arrested while trying to flee to Armenia pursuant to what is almost certain to be a large-scale punitive programme.¹³ The persecution and discrimination that ethnic Armenians have historically suffered at the hands of Azerbaijan,¹⁴ including Azerbaijan’s nine-month siege on those it purports to consider its own citizens, leave no room for doubt: those who remain in Nagorno-Karabakh are at grave risk of being forced to choose between being deprived of the equal enjoyment of their CERD rights—including the right to security of person, and other political, civil, economic, social and cultural rights—and leaving their ancestral homes.

¹¹ “50,243 forcibly displaced persons enter Armenia from Nagorno-Karabakh as of 15pm Wednesday”, *News.am* (27 September 2023), available at <https://news.am/eng/news/783649.html> (**Annex 117**); The UN Refugee Agency, *UNHCR ready to provide further humanitarian assistance for those fleeing to Armenia* (26 September 2023), available at <https://www.unhcr.org/news/press-releases/unhcr-ready-provide-further-humanitarian-assistance-those-fleeing-to-armenia> (“As of this afternoon, the Government of the Republic of Armenia reported that some 19,000 people had fled to Armenia since 23 September. The number has more than tripled since yesterday, with long queues reported at the borders. The majority of those arriving are vulnerable, including mainly older people, women and children. People arriving at the borders are exhausted and require urgent emergency assistance, as well as psychosocial support”) (**Annex 113**); “People evacuating en masse from Karabakh capital Stepanakert to Armenia (PHOTOS)”, *News.am* (25 September 2023), available at <https://news.am/eng/news/783063.html> (**Annex 111**); Compendium of Illustrative Images Showing the Civilian Suffering and Forced Displacement Resulting from Azerbaijan’s Military Assault on Nagorno-Karabakh and its Targeting of Civilians and Civilian Structures (Confidential) (**Annex 122**).

¹² G. Gavin, “‘We know we aren’t going back’: Nagorno-Karabakh Armenians face up to a life in exile”, *Politico* (26 September 2023), available at <https://www.politico.eu/article/we-know-we-arent-going-back-nagorno-karabakh-armenians-face-up-to-a-life-in-exile-refugees/> (**Annex 114**).

¹³ See *infra*, para. 24.

¹⁴ See, e.g., *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Memorial of Armenia (23 January 2023) (hereinafter “**Memorial of Armenia**”), Vol. I, Part III, Chapters I, Section IV; Chapter II, Section I; Chapter III, Section II; Part IV, Chapter II, Section II.

6. In these circumstances, Armenia is left with no choice but to ask the Court to indicate provisional measures to protect the rights in dispute as a matter of extreme urgency.

II. THE FACTS COMPELLING THE REQUEST

7. For more than nine months preceding its 19 September attack, Azerbaijan besieged the ethnic Armenians of Nagorno-Karabakh. Azerbaijan obstructed the free movement of persons, vehicles and cargo to and from the region; intentionally deprived Nagorno-Karabakh of gas and electricity; and attacked farmers to prevent even the most limited domestic production of food (**Section II.A**). Azerbaijan's 19 September attack represents the evident culmination of its efforts to destroy or displace the ethnic Armenian population (**Section II.B**). It is in this context that the current need for the Court's protection must be understood.

A. Azerbaijan's Siege of Nagorno-Karabakh Before its 19 September 2023 Attack

8. The nine-month siege of Nagorno-Karabakh that preceded Azerbaijan's 19 September attack led to "acute shortages of food, medications, hygiene products, and other essential supplies",¹⁵ and was widely condemned by the international community.¹⁶

¹⁵ "Azerbaijan: Ensure Civilians' Rights in Nagorno Karabakh", *Human Rights Watch* (23 September 2023), available at <https://www.hrw.org/news/2023/09/23/azerbaijan-ensure-civilians-rights-nagorno-karabakh>, PDF p. 1 (**Annex 100**).

¹⁶ See, e.g., European Union External Action, *Azerbaijan: Statement by High Representative Joseph Borrell on the humanitarian situation on the ground* (26 July 2023), available at https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-josep-borrell-humanitarian-situation-ground_en ("The European Union is deeply concerned about the serious humanitarian situation affecting the local population in the former Nagorno-Karabakh Autonomous Oblast. The movement through the Lachin corridor remains obstructed for more than seven months, despite Orders by the International Court of Justice to reopen it"), PDF p. 1 (**Annex 25**); Council of

Europe, *Humanitarian Situation in Nagorno-Karabakh: Statement by Council of Europe Secretary General Marija Pejčinović Burić* (28 July 2023), available at <https://www.coe.int/fr/web/portal/-/humanitarian-situation-in-nagorno-karabakh> (“I am extremely concerned about the serious humanitarian and human rights situation in Nagorno-Karabakh and my thoughts go to the residents who are bearing the brunt of this situation. I strongly reiterate my previous calls to restore the free movement along the Lachin corridor”) (**Annex 29**); Foreign Relations Committee, *Statement of Yuri Kim Acting Assistant Secretary of State for European Affairs Before the Senate Foreign Relations Committee* (14 September 2023), available at <https://www.foreign.senate.gov/hearings/assessing-the-crisis-in-nagorno-karabakh> (“The current humanitarian situation is not acceptable. Humanitarian access through the Lachin corridor and other routes must be made available now”) (**Annex 52**); Ministry for Europe and Foreign Affairs of the French Republic, *Arménie - Azerbaïdjan – Blocage du corridor de Latchine* (27 juillet 2023) (27 July 2023), available at <https://www.diplomatie.gouv.fr/fr/dossiers-pays/azerbaïdjan/evenements/article/armenie-azerbaïdjan-blocage-du-corridor-de-latchine-27-07-23> (“La France déplore le blocage persistant par l’Azerbaïdjan du corridor de Latchine... La France appelle l’Azerbaïdjan à se conformer à ses obligations internationales, notamment à mettre en œuvre les mesures conservatoires indiquées par la Cour internationale de justice dans son ordonnance du 22 février, qui ont force obligatoire”) (**Annex 26**); “Speech Address by the Foreign Minister of Armenia: UK Response, July 2023”, *Gov.UK* (20 July 2023), available at <https://www.gov.uk/government/speeches/address-by-the-foreign-minister-of-armenia-uk-response-july-2023> (“We remain deeply concerned about the ongoing disruptions to the Lachin corridor and the associated humanitarian consequences for the local population. We support the International Court of Justice order of February 2023 for Azerbaijan to ensure unimpeded movement along the Lachin corridor in both directions”) (**Annex 21**); Ministry of Foreign Affairs of the Russian Federation, *Statement of the Russian Foreign Ministry in connection with the situation around Nagorno-Karabakh* (15 July 2023), available at https://mid.ru/ru/foreign_policy/news/1897041 (certified translation from Russian) (“We strongly urge the Azerbaijani leadership to take urgent measures to immediately unblock the Lachin corridor, resume the unimpeded movement of citizens, vehicles and goods in both directions, as well as supply energy to the region”) (**Annex 20**); Dutch Ministry of Foreign Affairs, @DutchMFA, “The Netherlands follows the humanitarian situation affecting the population in the former Nagorno-Karabakh Autonomous Oblast with serious concern, and fully supports the statement of @JosepBorrellF”, *X* (27 July 2023), available at <https://twitter.com/DutchMFA/status/1684597264000425985> (**Annex 27**); International Committee of the Red Cross, *Azerbaijan/Armenia: Sides must reach “humanitarian consensus” to ease suffering* (25 July 2023), available at <https://www.icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering> (“Despite persistent efforts, the International Committee of the Red Cross (ICRC) is not currently able to bring humanitarian assistance to the civilian population through the Lachin corridor or through any other routes, including Aghdam. The organisation is calling on the relevant decision makers to allow the ICRC to resume its essential humanitarian operations in the area. Tens of thousands of people rely on humanitarian aid reaching them through these routes. The civilian population is now facing a lack of life-saving medication and essentials like hygiene products and baby formula. Fruits, vegetables, and bread are increasingly scarce and costly, while some other food items such as dairy products, sunflower oil, cereal, fish, and chicken are not available. The last time the ICRC was allowed to bring medical items and essential food items into the area was several weeks ago”) (**Annex 24**); Amnesty International, @amnesty, “The Azerbaijani authorities must lift the blockade of Nagorno-Karabakh and bring an end to the unfolding humanitarian crisis”, *X* (28 June 2023), available at <https://twitter.com/amnesty/status/1674075392708079616> (**Annex 17**).

9. The Court will recall that the siege began on 12 December 2022, when Azerbaijan orchestrated a so-called environmental “protest” that blocked the Lachin Corridor, the only road connecting Nagorno-Karabakh with Armenia, which under the terms of the Trilateral Statement was to “provide a connection between Nagorno-Karabakh and Armenia”.¹⁷ In recognition of the imminent risk of irreparable harm posed by the severance of the ethnic Armenians’ sole link to Armenia, on 22 February 2023, the Court ordered Azerbaijan to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”.¹⁸ Azerbaijan defied the Court’s Order and continued its support of the so-called eco-protesters for another two months.¹⁹ The ostensible protesters disbanded on 28 April 2023, but only after Azerbaijan established a military checkpoint to directly impede traffic along the Corridor in flagrant violation of the Court’s 22 February Order.²⁰

¹⁷ Republic of Armenia, Office of the Prime Minister, *Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation* (9 November 2020), available at <https://www.primeminister.am/en/press-release/item/2020/11/10/Announcement/> (**Armenia’s Request for Provisional Measures (27 December 2022), Annex 37**).

¹⁸ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, *Provisional Measures, Order of 22 February 2023*, para. 62.

¹⁹ See Letter from Jeyhun Bayramov, Minister for Foreign Affairs of the Republic of Azerbaijan, to Antonio Guterres Secretary-General of the United Nations (27 February 2023) (**Annex 10**); Letter from Ararat Mirzoyan, Minister of Foreign Affairs of the Republic of Armenia, to Antonio Guterres Secretary-General of the United Nations (14 March 2023) (**Annex 11**); Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (6 April 2023); Letter from Elnur Mammadov, Agent of the Republic of Azerbaijan before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (17 April 2023); Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (24 April 2023).

²⁰ Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (12 May 2023).

10. On 6 July 2023, the Court made clear that its order that Azerbaijan “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions” applied to equally to the new checkpoint.²¹ The Court also stressed the “need for effective implementation” of that measure.²² But again Azerbaijan did not comply. Instead, it misrepresented the Court’s Order as a *vindication* of its checkpoint²³ and, within a matter of days, began to block even the limited humanitarian assistance from the International Committee of the Red Cross and the Russian Federation peacekeepers destined for the ethnic Armenian population.²⁴ As a result, from 15 June until 18 September 2023, no humanitarian aid crossed the checkpoint at all.²⁵

²¹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Request for the Modification of the Order of 22 February 2023 Indicating Provisional Measures, Order of 6 July 2023*, paras. 9, 30. See also *ibid.*, para. 28 (“the measure that the Court imposed in that 922 February 2023] Order applies without limitation to the cause of the impediment of such movement”).

²² *Ibid.*, para. 30.

²³ See, e.g., Ministry of Foreign Affairs of the Republic of Azerbaijan, No:381/23, *Press Release on the decision of the International Court of Justice of July 6, 2023, on unanimous rejection of Armenia’s request* (7 July 2023), available at <https://www.mfa.gov.az/en/news/no38123> (“We welcome the Court’s ruling that has reconfirmed Azerbaijan’s right to control its borders, and that Armenia’s request on removal of the Checkpoint was unfounded. Thus, misinterpretation by the Armenian side of the latest decision is nothing than a desperate attempt. Azerbaijan’s decision to establish its border checkpoint at the entrance of the Lachin road was in keeping with its sovereign rights to secure its border”) (**Annex 18**).

²⁴ See Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (17 July 2023); Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (31 July 2023); Letter from Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (19 September 2023).

²⁵ International Committee of the Red Cross, *Operational update on ICRC’s work across the Lachin Corridor* (20 August 2023), available at <https://blogs.icrc.org/ir/en/2023/08/operational-update-on-icrc-s-work-across-the-lachin-corridor> (**Annex 40**).

11. Once again, Azerbaijan’s continued obstruction of the Lachin Corridor and non-compliance with the Court’s Orders were widely condemned by international organizations and third States.²⁶

²⁶ Delegation of the European Union to the Council of Europe, *EU Statement on recent developments around the Lachin corridor* (6 September 2023), available at https://www.eeas.europa.eu/delegations/council-europe/eu-statement-recent-developments-around-lachin-corridor_en (noting, *inter alia*, that “[m]ovement through the Lachin corridor has been impaired for almost 9 months, and, since 15 June, the corridor has been almost completely blocked, with the exception of sporadic medical evacuations. As a result, medical supplies and essential goods are in critically short supply or have already run out, with dire consequences for the local population” and reiterating its call “to ensure freedom and security of movement along the Lachin corridor in both directions and to guarantee that the crisis does not escalate further, in line with the Trilateral Statement of November 2020, the European Court of Human Rights interim measures of December 2022 and the ICJ order of February 2023”) (**Annex 48**); Council of Europe, Commissioner for Human Rights, *Restore free movement along the Lachin Corridor and ensure the rapid and unimpeded delivery of humanitarian assistance in Nagorno-Karabakh* (28 August 2023), available at <https://www.coe.int/en/web/commissioner/-/restore-free-movement-along-the-lachin-corridor-and-ensure-the-rapid-and-unimpeded-delivery-of-humanitarian-assistance-in-nagorno-karabakh> (**Annex 42**); High Representative of the European Union for Foreign Affairs and Security Policy, *Azerbaijan: Statement by High Representative Josep Borrell on the humanitarian situation on the ground* (26 July 2023), available at https://www.eeas.europa.eu/eeas/azerbaijan-statement-high-representative-josep-borrell-humanitarian-situation-ground_en (“The movement through the Lachin corridor remains obstructed for more than seven months, despite Orders by the International Court of Justice to reopen it”), PDF p. 1 (**Annex 25**); British Embassy in Armenia @UKinArmenia, “The Head of Political & Press Section of @UKinArmenia joined the visit of the diplomatic corps to Syunik organised by @armgov. We reiterate our support for the @CIJ_ICJ order of February 2023 for Azerbaijan to ensure unimpeded movement along Lachin corridor in both directions”, X (28 July 2023), available at <https://twitter.com/UKinArmenia/status/1684970857188270081> (**Annex 30**); Federal Foreign Office of Germany @AuswaertigesAmt, “The Lachin corridor must be reopened. The people in #NagornoKarabakh must receive vital humanitarian assistance. Foreign Minister @abaerbock spoke on the phone today with the FM of Azerbaijan @Bayramov_Jeyhun about opening this and possible further routes. 1/2”, X (8 September 2023), available at <https://twitter.com/AuswaertigesAmt/status/1700173471026647431> (certified translation from German) (**Annex 50**); Dutch Ministry of Foreign Affairs @DutchMFA, “The Netherlands follows the humanitarian situation affecting the population in the former Nagorno-Karabakh Autonomous Oblast with serious concern, and fully supports the statement of @JosepBorrellF”, X (27 July 2023), available at <https://twitter.com/DutchMFA/status/1684597264000425985> (**Annex 27**); Ambassador Muriel Peneveyre @swissmfaeurasia, “[Emoji of flag of Switzerland] is concerned about the continued obstruction of access through the Lachin corridor and the deteriorating humanitarian situation. Free passage for civilians and essential goods must be urgently restored. Rapid and unimpeded humanitarian access must be allowed immediately”, X (31 July 2023), available at <https://twitter.com/swissmfaeurasia/status/1686024289017823232> (**Annex 33**); Embassy of Spain in the Russian Federation @EmbEspRussia, “[Emoji of flag of Spain] supports the statement of @Josepborellf about the humanitarian situation related to the siege of Lachin. ‘[Emoji of flag of

Azerbaijan] The authorities must ensure security and free movement in the corridor very quickly and prevent the crisis from escalating”, *X* (27 July 2023), *available at* <https://twitter.com/EmbEspRusia/status/1684633654725623809> (certified translation from Armenian) (**Annex 28**); Ministry of Foreign Affairs of Cyprus @CyprusMFA, “Cyprus condemns the ongoing blockade of the #LachinCorridor & is deeply concerned with the humanitarian crisis in #NagornoKarabakh. #Azerbaijan must urgently lift the blockade and guarantee safety & freedom of movement, in line with the 2020 ceasefire statement & ICJ decision”, *X* (28 July 2023), *available at* <https://twitter.com/CyprusMFA/status/1684926924060037120> (**Annex 31**); Minister of Foreign Affairs of the Republic of Estonia Margus Tsahkna @Tsahkna, “Had a call w/ [Emoji of flag of Armenia] FM @AraratMirzoyan on Lachin corridor. The blockade & hum. situation of the local population are concerning. Hum. access must not be politicised by any actors. [Emoji of flag of Azerbaijan] has to guarantee safety & freedom of movement according to trilat. statement of 2020 & ICJ order”, *X* (14 August 2023), *available at* <https://twitter.com/Tsahkna/status/1691087763527925760> (**Annex 38**); MFEA Slovenia @mzez_rs, “Slovenia [emoji of flag of Slovenia] is concerned about the humanitarian situation affecting population in #Karabakh. Humanitarian aid must be allowed free passage for the people in need. Support to the @JosepBorrellF statement”, *X* (28 July 2023), *available at* https://twitter.com/mzez_rs/status/1684832642120687617 (**Annex 32**); Minister of Foreign Affairs of Lithuania Gabrielius Landsbergis @GLandsbergis, “Spoke with @AraratMirzoyan, expressed concern about the dire humanitarian consequences of the blocking of the Lachin corridor. Crucial to ensure unimpeded movement as ordered by ICJ. Reiterated firm belief in absolute necessity of working towards comprehensive & lasting peace”, *X* (9 August 2023), *available at* <https://twitter.com/GLandsbergis/status/1689208739117588480> (**Annex 35**); Lemkin Institute for Genocide Prevention, *Active Genocide Alert Azerbaijan - in Artsakh* (18 August 2023), *available at* <https://www.lemkininstitute.com/active-genocide-alert-1/active-genocide-alert-azerbaijan---in-artsakh-> (“This blockade is genocidal in its intent, which is to eliminate the Armenian population of Artsakh, either through mass displacement or mass starvation. Azerbaijani President Ilham Aliyev has himself said as much on several occasions, including in his statement on May 29th, 2023, when he threatened: ‘There will be no third invitation. Either they themselves will come to us humbly, or events will develop in a different direction. We have every opportunity to carry out any operation in that region’”), PDF p. 2 (**Annex 39**); Freedom House @freedomhouse, “(1/) We urge Azerbaijan to allow @ICRC to provide vital humanitarian assistance to Nagorno Karabakh & immediately work to ensure freedom of movement by opening the Lachin corridor, guaranteeing unrestricted movement of individuals, vehicles & cargo”, *X* (25 July 2023), *available at* <https://twitter.com/freedomhouse/status/1683880665916354574> (**Annex 22**); Human Rights Watch, Giorgi Gogia @Giorgi_Gogia, “Tens of thousands of civilians in Nagorno-Karabakh are facing lack of life-saving medication & essential goods. @ICRC not allowed to bring medical items & essential food for weeks. Alarming statement <https://icrc.org/en/document/azerbaijan-armenia-sides-must-reach-humanitarian-consensus-to-ease-suffering> Azerbaijan should immediately ensure unimpeded access!”, *X* (25 July 2023), *available at* https://twitter.com/Giorgi_Gogia/status/1683828382989942785 (**Annex 23**); “Prominent genocide scholars have submitted an open letter to the UN Secretary-General, the UN High Commissioner for Human Rights, the Special Adviser of the UN Secretary-General on the Prevention of Genocide, and Member States of the UN Security Council regarding the potential for genocide in Artsakh (Nagorno-Karabakh)”, *The Armenian Genocide Museum-Institute Foundation* (9 August 2023), *available at* <http://www.genocide-museum.am/eng/11.8.23.php> (**Annex 36**).

12. Azerbaijan's efforts to strangle the ethnic Armenians of Nagorno-Karabakh were not limited to its blockade of the Lachin Corridor. In parallel, Azerbaijan also interrupted the supply of gas and electricity to Nagorno-Karabakh. These interruptions, too, have been widely acknowledged and condemned.²⁷

²⁷ See, e.g., Delegation of the European Union to the UN and other international organisations in Geneva, *United Nations Human Rights Council 54th Session – Item 2 – EU Statement* (12 September 2023), available at https://www.eeas.europa.eu/delegations/un-geneva/hrc54-item-2-eu-statement_en (following with “great concern the serious humanitarian situation affecting the local population ... due to continued restrictions on free movement along the Lachin corridor, as well as the cessation of electricity and gas supplies”), PDF p. 5 (**Annex 51**); European Council, *Statement by the spokesperson of Charles Michel, President of the European Council, regarding Armenia and Azerbaijan* (1 September 2023), available at <https://www.consilium.europa.eu/en/press/press-releases/2023/09/01/statement-by-the-spokesperson-of-charles-michel-president-of-the-european-council-regarding-armenia-and-azerbaijan/> (stressing “the need for Baku to provide clarity to Karabakh Armenians in terms of procedures for their movements through Lachin corridor to and from Armenia” and noting that exchanges “have also focused on restoring electricity and gas supplies to Karabakh Armenians as soon as possible”) (**Annex 47**); Ministry for Europe and Foreign Affairs of the French Republic, *Azerbaijan – Lachin corridor* (23 April 2023), available at <https://www.diplomatie.gouv.fr/en/country-files/azerbaijan/news/article/azerbaijan-lachin-corridor-23-april-2023> (“France calls on Azerbaijan to comply with its international obligations, particularly to implement the provisional measures indicated by the International Court of Justice in its order of 22 February, which are binding. It calls for the free movement of property, people and goods to be restored along the Lachin Corridor, in both directions, and for the population to be continuously supplied with gas and electricity”) (**Annex 13**); Ministry of Foreign Affairs of the Russian Federation, *Statement of the Russian Foreign Ministry in connection with the situation around Nagorno-Karabakh* (15 July 2023), available at https://mid.ru/ru/foreign_policy/news/1897041 (“We strongly urge the Azerbaijani leadership to take urgent measures to immediately unblock the Lachin corridor, resume the unimpeded movement of citizens, vehicles and goods in both directions, as well as supply energy to the region”) (certified translation from Russian) (**Annex 20**); Germany in the EU @germanyintheeu, “The situation in #NagornoKarabakh is catastrophic. Medication, food, electricity are lacking. Our appeal to Azerbaijan and also Russia: The Lachin corridor must be open. People must finally get what they need to live. @ABaerbock ahead of #Gymnich in [emoji of flag of Spain] Toledo”, *X* (31 August 2023), available at <https://twitter.com/germanyintheeu/status/1697184637720670649> (**Annex 46**); “Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted”, *Amnesty International* (9 February 2023), available at <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/> (“Disruptions to the supply of electricity, natural gas and vehicle fuel add up to extreme hardship, especially for groups who are vulnerable to discrimination and marginalization. This must end now”), PDF p. 2 (**Annex 9**).

13. In particular, on 21 March 2023, the gas supply was shut down for the 24th time since March 2022.²⁸ This time, however, it was not restored. With one brief exception for a few hours on 8 July 2023,²⁹ no gas at all has flowed to Nagorno-Karabakh ever since. Azerbaijan has repeatedly denied responsibility by blaming “cold weather”.³⁰ Cold weather, however, cannot explain why the gas has now been shut off for more than *half a year*, including during the warmest summer months.

14. Azerbaijan has also targeted the flow of electricity to Nagorno-Karabakh. In particular, on 9 January 2023, the Shinuhayr-Stepanakert power line running from Armenia to Nagorno-Karabakh through territory controlled by

²⁸ Letter *from* Artsakhgaz Closed Joint Stock Company *to* Minister of State of Nagorno-Karabakh (10 May 2023) (certified translation from Armenian), p. 2 (**Annex 15**).

²⁹ See “Gas Supply To Artsakh Briefly Unblocked By Azerbaijan Then Halted Again”, *Asbarez* (10 July 2023), *available at* <https://asbarez.com/gas-supply-to-artsakh-briefly-unblocked-by-azerbaijan-then-halted-again/> (**Annex 19**).

³⁰ Letter *from* Mr Elnur Mammadov, Agent of the Republic of Azerbaijan before the International Court of Justice, *to* Philippe Gautier, Registrar of the International Court of Justice (1 February 2023), p. 1 (“Azerbaijan has not disrupted, and has no intention of disrupting, the supply of gas or other utilities to Garabagh. ... Interruptions or reductions in the flow of gas supply are not uncommon in cold weather regions and are not specific to Garabagh”); *ibid.*, p. 2 (“[C]old weather can cause interruptions in gas supply”); *ibid.* (“It is no coincidence that the times Armenia have accused Azerbaijan of gas interference were characterized by severely cold weather”); Letter *from* Mr Elnur Mammadov, Agent of the Republic of Azerbaijan before the International Court of Justice, *to* Philippe Gautier, Registrar of the International Court of Justice (27 January 2023), p. 2 (“Azerbaijan has made clear that gas disruptions were not caused by any action of Azerbaijan, but were caused by ‘technical problems ... due to unprecedented severe weather in the region’”); Letter *from* Mr Elnur Mammadov, Agent of the Republic of Azerbaijan before the International Court of Justice, *to* Philippe Gautier, Registrar of the International Court of Justice (16 December 2022), p. 2 (“[I]t bears repeating that the gas supply infrastructure throughout the region, particularly in high-altitude areas, is vulnerable to recurring interruptions as a result of cold weather”); Letter *from* Azerbaijan’s Agent *to* the Registrar (30 March 2022), p. 2 (“[T]he supply interruptions were the result of technical problems with the pipeline due to unprecedented severe weather in the region”); *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, CR 2023/2 (30 January 2023), p. 21, para. 27 (Mammadov) (“[I]nterruptions of gas supply are not uncommon in winter months”).

Azerbaijan was damaged.³¹ The local power company requested that Azerbaijan give its technicians access to the area to inspect and repair the power line³² but Azerbaijan did not respond.³³ As a result, the ethnic Armenians of Nagorno-Karabakh were forced to rely entirely on domestic electricity production.³⁴ That in turn placed a huge strain on the Sarsang Reservoir,³⁵ which was used by the local Armenian authorities to generate power. The local domestic production was

³¹ See “Key utilities in Artsakh disrupted amid ongoing blockade by Azerbaijan”, *The Armenian Weekly* (18 January 2023), available at <https://armenianweekly.com/2023/01/18/key-utilities-in-artsakh-disrupted-amid-ongoing-blockade-by-azerbaijan/>, PDF p. 2 (**Annex 4**).

³² See “Artsakh Says Azerbaijan Hampering Repairs on Electricity Grid”, *Asbarez* (11 January 2023), available at <https://asbarez.com/artsakh-says-azerbaijan-hampering-repairs-on-electricity-grid/> (**Annex 3**); “Karabakh energy company director: Azerbaijan does not allow repairing power line for a month now”, *News.am* (1 February 2023), available at <https://news.am/eng/news/742387.html> (**Annex 7**).

³³ See Letters relating to the supply of utilities to Nagorno-Karabakh, p. 1 (**Armenia’s Request for Provisional Measures, Observations (24 January 2023), Annex 74**); “Artsakh Says Azerbaijan Hampering Repairs on Electricity Grid”, *Asbarez* (11 January 2023), available at <https://asbarez.com/artsakh-says-azerbaijan-hampering-repairs-on-electricity-grid/> (**Annex 3**); “Karabakh energy company director: Azerbaijan does not allow repairing power line for a month now”, *News.am* (1 February 2023), available at <https://news.am/eng/news/742387.html> (**Annex 7**); Artsakh Info Centre, *Artsakh Government Update | Day 135 Under Blockade* (21-25 April 2023), available at <https://mailchi.mp/3761ba4db4e3/day135en?e=8a22815c40> (“On January 9th, Azerbaijan damaged a high-voltage power transmission line that runs from Armenia to Artsakh, in the Agavno-Berdzor section that is currently under Azerbaijani control. Engineers from Artsakh Energo have been prevented from accessing the area to repair the damage”) (**Annex 12**).

³⁴ See Letter from Minister of Territorial Administration and Infrastructure of Nagorno-Karabakh to Minister of State of the Republic of Artsakh (11 May 2023) (certified translation from Armenian), p. 1 (**Annex 16**).

³⁵ See Letter from Minister of Territorial Administration and Infrastructure of Nagorno-Karabakh to Minister of State of Nagorno-Karabakh (11 May 2023) (certified translation from Armenian), pp. 1-2 (**Annex 16**).

sufficient to meet only 30 percent of the population's needs,³⁶ and, as a result, local authorities were compelled to institute lengthy, rolling blackouts.³⁷

15. In the months preceding Azerbaijan's 19 September attack, Azerbaijan also escalated its attacks on ethnic Armenian civilians working in the agricultural sector. On dozens of occasions, many of which are corroborated by the Russian peacekeepers, Azerbaijani forces opened fire on farmers and agricultural equipment in the fields.³⁸ Having deprived the ethnic Armenians of Nagorno-Karabakh of any outside aid, Azerbaijan's attacks sought to deter even the harvesting of local crops that would allow ethnic Armenians to sustain themselves.

16. At the time Azerbaijan launched its 19 September attack, the situation in Nagorno-Karabakh was thus already desperate: civilians had begun to starve to death,³⁹ much of the remaining food was strictly rationed,⁴⁰ medication and other

³⁶ See Letter from Minister of Territorial Administration and Infrastructure of Nagorno-Karabakh to Minister of State of Nagorno-Karabakh (11 May 2023) (certified translation from Armenian), p.1 (**Annex 16**).

³⁷ See, e.g., G. Ghazaryan, "Education Under Blockade", *EVN Report* (20 January 2023), available at <https://evnreport.com/spotlight-karabakh/education-under-blockade/>, PDF p. 3 ("On January 9, the supply of electricity from Armenia was cut due to damage on the Goris-Stepanakert power line, which passes through the territory currently occupied by Azerbaijan. The Azerbaijani side prevents any emergency and restoration work. Artsakh authorities have since resorted to rolling power blackouts and urged people to reduce energy consumption") (**Annex 5**). See also "Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted", *Amnesty International* (9 February 2023), available at <https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/> ("The shortage of gas and petrol is further exacerbated by frequent cuts to the supply of gas from Azerbaijan and electricity cuts that last an average of six hours a day"), PDF p. 7 (**Annex 9**).

³⁸ Illustrative List of Attacks by Azerbaijan on Farmers and Agricultural Equipment in Nagorno-Karabakh (**Annex 120**).

³⁹ "We are starving to death: Residents of Nagorno-Karabakh fear for future under blockade", *CNN* (7 September 2023), available at <https://www.cnn.com/2023/09/06/europe/nagorno-karabakh-blockade-azerbaijan-armenia-intl-cmd/index.html> (**Annex 49**).

⁴⁰ "Nagorno-Karabakh: 'People are fainting queuing up for bread'", *BBC* (30 August 2023), available at <https://www.bbc.com/news/world-europe-66646677> (**Annex 45**).

basic necessities were in extremely short supply when they were available at all,⁴¹ and schools and businesses had been forced to close.⁴² As the former Prosecutor of the International Criminal Court, the Former Special Advisor to the Secretary-General on the Prevention of Genocide, and other credible international observers explained, the risk of genocide and ethnic cleansing was already imminent.⁴³

B. Azerbaijan’s 19 September Attack

17. On 19 September 2023, after weeks of troop build-up along the border with Armenia and the line of contact with Nagorno-Karabakh,⁴⁴ Azerbaijan launched a large-scale assault on Nagorno-Karabakh, using artillery, unmanned aerial vehicles, missiles, rockets, and aircraft.⁴⁵ Under the pretext of conducting an

⁴¹ “Nagorno-Karabakh: ‘People are fainting queuing up for bread’”, *BBC* (30 August 2023), available at <https://www.bbc.com/news/world-europe-66646677> (**Annex 45**).

⁴² See, e.g., “Karabakh blockade deprives 20,000 children of right to education”, *CivilNet* (3 February 2023), available at <https://www.civilnet.am/en/news/690908/karabakh-blockade-deprives-20000-children-of-right-to-education/> (**Annex 8**); “Nagorno-Karabakh shuts schools amid Azerbaijan blockade”, *The New Arab* (20 January 2023), available at <https://www.newarab.com/news/nagorno-karabakh-shuts-schools-amid-azerbaijan-blockade> (**Annex 6**).

⁴³ Luis Moreno Ocampo, *Genocide against Armenians in 2023* (7 August 2023), available at <https://luismorenoocampo.com/wp-content/uploads/2023/08/Armenia-Report-Expert-Opinion.pdf> (**Annex 34**); Juan Ernesto Mendez, *PRELIMINARY OPINION on the situation in Nagorno-Karabakh and on the need for the international community to adopt measures to prevent atrocity crimes* (23 August 2023), available at https://un.mfa.am/file_manager/un_mission/Preliminary%20Opinion%20-%202023.08.2023.pdf (**Annex 41**).

⁴⁴ See, e.g., “Chaos and Crisis as Azerbaijan Attacks Nagorno-Karabakh”, *Bellingcat* (21 September 2023), available at <https://www.bellingcat.com/news/2023/09/21/chaos-and-crisis-as-azerbaijan-attacks-nagorno-karabakh/> (**Annex 83**); “Azerbaijani forces using Russian-style symbols are massing on the border of Armenia”, *The Telegraph* (15 September 2023), available at <https://telegraph.co.uk/world-news/2023/09/15/azerbaijani-troops-russian-style-symbols-armenia-border/> (**Annex 54**).

⁴⁵ See Ministry of Defense of the Russian Federation, *Information bulletin of the Ministry of Defense of the Russian Federation on the activities of the Russian peacekeeping contingent in the Nagorno-Karabakh conflict zone (as of September 19, 2023)* (19 September 2023) (certified translation from Russian) (**Annex 55**); “Azerbaijani forces strike Armenian-controlled Karabakh, raising risk of new Caucasus war”, *Reuters* (19 September 2023), available at

“anti-terrorist” operation,⁴⁶ Azerbaijan directly attacked civilian settlements, including the capital Stepanakert.⁴⁷

<https://www.reuters.com/article/armenia-azerbaijan-idCAKBN30P0L9> (**Annex 56**); “Azerbaijan launches attack in Nagorno-Karabakh, announces ‘evacuation’ of Armenian population”, *Politico* (19 September 2023), available at <https://www.politico.eu/article/azerbaijan-launch-anti-terror-operation-nagorno-karabakh-armenia/> (**Annex 58**).

⁴⁶ Ministry of Defense of the Republic of Azerbaijan, *Military attachés were informed about local anti-terrorist activities conducted in the Karabakh region* (19 September 2023), available at <https://mod.gov.az/en/news/military-attaches-were-informed-about-local-anti-terrorist-activities-conducted-in-the-karabakh-region-49392.html> (**Annex 59**).

⁴⁷ “Chaos and Crisis as Azerbaijan Attacks Nagorno-Karabakh”, *Bellingcat* (21 September 2023), available at <https://www.bellingcat.com/news/2023/09/21/chaos-and-crisis-as-azerbaijan-attacks-nagorno-karabakh/>, PDF p. 1 (**Annex 83**); “Azerbaijan and Armenian forces reach cease-fire deal for breakaway Nagorno-Karabakh”, *France 24* (20 September 2023), available at <https://www.france24.com/en/live-news/20230920-%F0%9F%94%B4-karabakh-armenians-agree-to-lay-down-arms-on-second-day-of-azerbaijan-offensive>, PDF p. 4 (“Even though Aliyev insisted the Azerbaijani army struck only military facilities during the fighting, separatist officials in Nagorno-Karabakh said Stepanakert and other areas came under ‘intense shelling.’ Before the cease-fire, explosions reverberated around Stepanakert every few minutes on Wednesday — some in the distance and others closer to the city. Even after the truce was announced and the shelling could no longer be heard in Stepanakert, many residents decided to stay in shelters for the rest of the day. Significant damage was visible in the city, with shop windows blown out and vehicles punctured, apparently by shrapnel”) (**Annex 77**). See also Compendium of Illustrative Images Showing the Civilian Suffering and Forced Displacement Resulting from Azerbaijan’s Military Assault on Nagorno-Karabakh and its Targeting of Civilians and Civilian Structures (Confidential) (**Annex 122**).

18. International organizations and third States swiftly condemned Azerbaijan's renewed use of force. The European Union,⁴⁸ France,⁴⁹ the United

⁴⁸ European Parliament Delegations, *Joint statement on Azerbaijan's attack on Nagorno-Karabakh* (19 September 2023), available at <https://www.europarl.europa.eu/delegations/en/dsca/documents/communiques>, PDF p. 2 ("The clearly pre-planned attack, reported along the entire line of contact, coming just hours after the blasts and following weeks of observed Azerbaijani military build-up and aggressive rhetoric, is totally unacceptable. We call for the immediate halt of all military actions ... We are seriously concerned about the consequences of Azerbaijan's actions on the civilian population and urge Azerbaijan to refrain from using military escalation as a pretext to force the exodus of the local population") (**Annex 60**); Peter Stano @ExtSpoxEU, "Azerbaijan: [EU] condemns the military escalation along Line of Contact & elsewhere in Karabakh. We call for immediate cessation of hostilities & for [Emoji of flag of Azerbaijan] to stop the current military activities. This shouldn't be pretext to force exodus of the local population <http://europa.eu/!XctvBb>", X (19 September 2023), available at <https://twitter.com/ExtSpoxEU/status/1704116258961084630> (**Annex 61**).

⁴⁹ See, e.g., Le ministère de l'Europe et des Affaires étrangères de la France, *Opération militaire azerbaïdjanaise au Haut-Karabagh* (19 September 2023), available at <https://www.diplomatie.gouv.fr/fr/dossiers-pays/armenie/evenements/article/operation-militaire-azerbaïdjanaise-au-haut-karabagh-19-09-23> (« La France condamne avec la plus grande fermeté le lancement par l'Azerbaïdjan d'une opération militaire au Haut-Karabakh, avec l'utilisation d'armements lourds, y compris contre des zones habitées. Aucun prétexte ne peut justifier une telle action unilatérale, qui menace des milliers de civils déjà affectés par des mois de blocus illégal et va à l'encontre des efforts déployés par la communauté internationale pour parvenir à un règlement négocié. La France appelle l'Azerbaïdjan à cesser immédiatement son offensive et à revenir au respect du droit international. Elle tiendra l'Azerbaïdjan pour seul responsable du sort des populations civiles du Haut-Karabakh.») (**Annex 62**).

Kingdom,⁵⁰ Germany,⁵¹ the United States of America,⁵² Japan,⁵³ numerous other States,⁵⁴ and the United Nations Special Adviser to the Secretary-General on the

⁵⁰ Statement by Lord Ahmad of Wimbledon, Minister of State for the Middle East, North Africa, South Asia and United Nations at the United Nations Security Council, “UK urges all parties to respect ceasefire in Nagorno-Karabakh: UN Security Council statement”, *Gov.UK* (21 September 2023), available at <https://www.gov.uk/government/speeches/the-uk-urges-all-parties-to-respect-the-ceasefire-in-nagorno-karabakh-uk-at-the-security-council> (“This opportunity for progress, however, was sadly cut short by Azerbaijan’s announcement of the start of a military operation. Together with many of our partners, the United Kingdom has urged Azerbaijan to end its use of force, refrain from further escalatory action, and importantly return to dialogue ... The United Kingdom on our part welcomes yesterday’s announcement of a ceasefire. We therefore strongly urge all parties to respect that ceasefire, to end the violence, and to engage in urgent, open dialogue on a safe and secure future for the people of the region”) (**Annex 86**).

⁵¹ German Federal Foreign Office, *Speech by Foreign Minister Annalena Baerbock at the United Nations Security Council on the situation in Nagorno-Karabakh*, Federal Foreign Office (21 September 2023), available at <https://www.auswaertiges-amt.de/en/newsroom/news-/2618034#:~:text=Far%20too%20many%20people%20have,completely%20cease%20its%20military%20actions> (“We firmly condemn Baku’s military assault and call on it to permanently and completely cease its military actions. We have taken note of reports of a ceasefire. But what we need is a complete cessation of violence. Azerbaijan carries the responsibility to reliably and fully protect the civilian population, especially children living in Nagorno-Karabakh”) (**Annex 87**).

⁵² US Department of State Press Releases, *Call for End of Hostilities in Nagorno-Karabakh* (19 September 2023), available at <https://www.state.gov/call-for-end-of-hostilities-in-nagorno-karabakh/#:~:text=The%20United%20States%20is%20deeply,and%20undermine%20prospects%20for%20peace.> (“The United States is deeply concerned by Azerbaijan’s military actions in Nagorno-Karabakh and calls on Azerbaijan to cease these actions immediately. These actions are worsening an already dire humanitarian situation in Nagorno-Karabakh and undermine prospects for peace. As we have previously made clear to Azerbaijan, the use of force to resolve disputes is unacceptable and runs counter to efforts to create conditions for a just and dignified peace in the region. We call for an immediate end to hostilities and for respectful dialogue between Baku and representatives of the population of Nagorno-Karabakh”) (**Annex 74**); United States Mission to the United Nations, *Remarks by Ambassador Linda Thomas-Greenfield at a UN Security Council Briefing on Armenia and Azerbaijan* (21 September 2023), available at <https://usun.usmission.gov/remarks-by-ambassador-linda-thomas-greenfield-at-a-un-security-council-briefing-on-armenia-and-azerbaijan-2/> (“Let me be clear: Azerbaijan has a responsibility to ensure its forces rigorously comply with international law – including international humanitarian law rules governing the conduct of hostilities, the protection of civilians, and the humane treatment of combatants. Azerbaijan also has international obligations and commitments to respect the human rights and fundamental freedoms of all individuals in its territory”) (**Annex 85**).

⁵³ See Ministry of Foreign Affairs of Japan, *Worsening of the situation in Nagorno-Karabakh (Statement by Foreign Minister Kamikawa Yoko)* (20 September 2023), available at https://www.mofa.go.jp/press/release/press4e_003300.html (“Japan expresses serious concern over the recent worsening of the situation in Nagorno-Karabakh and strongly calls for the immediate cessation of hostilities and for Azerbaijan to stop current military activities”) (**Annex 75**).

⁵⁴ Ministry of Foreign Affairs, European Union and Cooperation of the Kingdom of Spain, *Official Statement on the Situation in South Caucasus* (19 September 2023), available at https://www.exteriores.gob.es/en/Comunicacion/Comunicados/Paginas/2023_COMUNICADOS/20230919_COMUNICADO035.aspx (“The Government of Spain strongly condemns the use of armed force against the Karabakh region and regrets the loss of human lives. Spain supports the mediation of the European Union and calls on the Azerbaijani authorities to cease military activity immediately and to resume dialogue in order to reach a peaceful resolution in accordance with the United Nations Charter and international law”) (**Annex 67**); Ministry of Foreign Affairs of the Kingdom of Norway @NorwayMFA, “1/2 There are reports of civilian victims from artillery shelling of Nagorno-Karabakh. Continued use of Azerbaijani military power may force the Armenian population to flee the region and create a humanitarian catastrophe. Such a tragedy must be avoided at all cost - @AHuitfeldt”, X (19 September 2023), available at <https://twitter.com/NorwayMFA/status/1704177588829032928> (**Annex 68**); Ministry of Foreign Affairs of Cyprus @CyprusMFA, “#Cyprus categorically condemns the ongoing large-scale military aggression by #Azerbaijan against the #Armenian-populated #NagornoKarabakh We deplore the loss of lives caused by this utterly unjustified escalation. Azerbaijan must de-escalate now. A ceasefire is critical”, X (19 September 2023), available at <https://twitter.com/CyprusMFA/status/1704187155956871315> (**Annex 69**); Minister of Foreign Affairs of the Kingdom of Belgium, Hadja Lahbib @hadjalahbib, “Belgium condemns Azerbaijan’s military operation against the Armenian population of #NagornoKarabakh and expresses deep regret over the numerous victims. We urge the respect of the security and rights of Armenians in Karabakh, as well as the ceasefire”, X (21 September 2023), available at <https://twitter.com/hadjalahbib/status/1704922816905204103> (**Annex 89**); Minister of Foreign Affairs of the Kingdom of the Netherlands, Hanke Bruins Slot @HankeBruinsSlot, “Met with Foreign Minister @AraratMirzoyan in New York. I echoed the EU’s clear position on the situation in #NagornoKarabakh: we condemn Azerbaijan’s military operation and the harm caused among civilians. Humanitarian actors should be granted access to the region right away 1/2”, X (23 September 2023), available at <https://twitter.com/hankebruinsslot/status/1705642674907193509> (**Annex 102**); UN Meetings Coverage and Press Releases, Security Council, *Latest Clash between Armenia, Azerbaijan Undermines Prospects of Peace, Speakers Warn Security Council, Calling for Genuine Dialogue to Settle Outstanding Issues* (21 September 2023), available at <https://press.un.org/en/2023/sc15418.doc.htm> (Representatives of Switzerland and Ecuador) (**Annex 88**); Ministry of Foreign Affairs of the Hellenic Republic, *Announcement by the Ministry of Foreign Affairs regarding the developments in Nagorno Karabakh (Athens, 20.09.2023)* (20 September 2023), available at <https://www.mfa.gr/en/current-affairs/statements-speeches/announcement-by-the-ministry-of-foreign-affairs-regarding-the-developments-in-nagorno-karabakh-athens-20092023.html> (“Greece strongly condemns the military actions undertaken by Azerbaijan in Nagorno Karabakh which resulted in the loss of life of many people. Greece calls for the immediate cessation of hostilities ... The safety of the population in Nagorno Karabakh is an absolute priority. We call on Baku to respect the human rights and guarantee the safety and dignity of the civilian population of Nagorno Karabakh. Their humanitarian needs must also be urgently met”) (**Annex 79**); Lithuanian Foreign Minister, Gabrielius Landsbergis @GLandsbergis, X (19 September 2023), available at <https://twitter.com/GLandsbergis/status/1704124775365562504> (“Military operation launched by AZ after months of blockade imposed on Karabakh Armenians undermines efforts by intl community to bring lasting peace. We urge immediate ceasefire&launching of dialogue between Baku & Karabakh Armenians as the only way towards peaceful coexistence”) (**Annex 72**). See also UN Meetings Coverage and Press Releases, Security Council, *Latest Clash between Armenia,*

Prevention of Genocide⁵⁵ all called on Azerbaijan to halt its attack, expressing concern over its impact on the civilian population.

19. Azerbaijan nonetheless insisted that it would continue “until the end”.⁵⁶ After having blockaded the Lachin Corridor for more than nine months, it now announced that it had opened “corridors ... on the Lachin road and in other directions to ensure the *evacuation of the population* from the danger zone”.⁵⁷ That did not stop it from firing at vehicles of the Russian Federation peacekeepers attempting to discharge their duties, causing casualties among them.⁵⁸ As a result

Azerbaijan Undermines Prospects of Peace, Speakers Warn Security Council, Calling for Genuine Dialogue to Settle Outstanding Issues (21 September 2023), available at <https://press.un.org/en/2023/sc15418.doc.htm> (Statement of Sérgio França Danese, Representative of Brazil) (“condemned resorting to unilateral actions, stressing that the attacks on populated areas risk the fragile stability achieved after the 2020 ceasefire”) (**Annex 88**).

⁵⁵ UN Press Release, *Statement by Ms. Alice Wairimu Nderitu, UN Special Adviser on the Prevention of Genocide, on the situation in Armenia and Azerbaijan* (22 September 2023), available at https://www.un.org/en/genocideprevention/documents/USG_Nderitu_Statement_Armenia_Azerbaijan_22092023.pdf (**Annex 95**).

⁵⁶ “Statement by the Presidential Administration of the Republic of Azerbaijan VIDEO”, *Azertac* (19 September 2023), available at https://azertag.az/en/xeber/statement_by_the_presidential_administration_of_the_republic_of_azerbaijan-2754034 (**Annex 63**).

⁵⁷ Ministry of Defense of the Republic of Azerbaijan, *Statement by Azerbaijan’s Ministry of Defense* (19 September 2023, 14:25), available at <https://mod.gov.az/en/news/statement-by-azerbaijan-s-ministry-of-defense-49363.html> (emphasis added) (**Annex 64**). See also G. Gavin, “Azerbaijan launches attack in Nagorno-Karabakh, announces ‘evacuation’ of Armenian population”, *Politico* (19 September 2023), available at <https://www.politico.eu/article/azerbaijan-launch-anti-terror-operation-nagorno-karabakh-armenia/> (emphasis added) (**Annex 58**).

⁵⁸ “Telephone conversation with President of Azerbaijan Ilham Aliyev”, *Kremlin* (21 September 2023), available at <http://en.kremlin.ru/events/president/news/72312> (“Ilham Aliyev offered his apology and deepest condolences following the tragic death of members of the Russian Peacekeeping Corps (RPC) on September 20 in Karabakh”) (**Annex 90**); “Azerbaijan’s Aliyev Apologizes for Russian Peacekeeper Deaths in Karabakh”, *The Moscow Times* (21 September 2023), available at <https://www.themoscowtimes.com/2023/09/21/azerbajians-aliyev-apologizes-for-russian-peacekeeper-deaths-in-karabakh-a82533> (“Russia’s Defense Ministry said one of its vehicles came under small-arms fire while returning from an observation post on Wednesday, near a Karabakh village that bears the Azeri name of Janyatag and the Armenian name of Chankatagh. ‘As a result of the shelling, the Russian servicemen in the vehicle were killed,’ the ministry said without specifying the number of peacekeepers who perished”) (**Annex 92**).

of such attacks, and of Azerbaijan's arrests of multiple ethnic Armenians seeking to pass through the checkpoint even prior to Azerbaijan's 19 September aggression,⁵⁹ many ethnic Armenians are as afraid of leaving their homeland as they are of staying.

20. Azerbaijan's attack largely ended on 20 September 2023, after it imposed a ceasefire agreement on the local authorities.⁶⁰ As of the filing of this Request, Azerbaijan is known to have killed hundreds of ethnic Armenians, including children. It has also caused widespread damage to civilian infrastructure, including apartment buildings and other homes.⁶¹ Many ethnic Armenians who were forced to leave their homes were separated from their families and have not

⁵⁹ Letter *from* Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Philippe Gautier, Registrar of the International Court of Justice (31 July 2023) (enclosing Letter *from* Yeghishe Kirakosyan, Agent of the Republic of Armenia before the International Court of Justice, to Mr Elnur Mammadov, Agent of the Republic of Azerbaijan before the International Court of Justice (31 July 2023)). *See also* "Three more Armenians detained at Azerbaijan's Lachin checkpoint", *Eurasianet* (29 August 2023), available at <https://eurasianet.org/three-more-armenians-detained-at-azerbaijans-lachin-checkpoint> (**Annex 43**).

⁶⁰ "Stepanakert and Baku reach 6 agreements", *News.am* (23 September 2023), available at <https://news.am/eng/news/782870.html> (**Annex 99**).

⁶¹ "Azerbaijan launches massive offensive in Nagorno-Karabakh", *Eurasianet* (19 September 2023), available at <https://eurasianet.org/azerbaijan-launches-massive-offensive-in-nagorno-karabakh> (**Annex 65**); Nagorno-Karabakh Human Rights Ombudsman @ArtsakhOmbuds, "The Office of the Human Rights Defender continues to collect the evidences of the civilian structure. These residential houses in Berqadzor of the Askeran region were targeted and destroyed by the Azerbaijani military forces during the attack on September 19, 2023", *X* (24 September 2023), available at <https://x.com/ArtsakhOmbuds/status/1705978687504384133> (**Annex 108**). *See also* Compendium of Illustrative Images Showing the Civilian Suffering and Forced Displacement Resulting from Azerbaijan's Military Assault on Nagorno-Karabakh and its Targeting of Civilians and Civilian Structures (Confidential) (**Annex 122**).

been reunited.⁶² Many are missing, and with each day passing the hope that they are still alive diminishes.⁶³

21. Tens of thousands of ethnic Armenians of Nagorno-Karabakh are known to have been almost immediately forcibly displaced within Nagorno-Karabakh in the wake of Azerbaijan's attack.⁶⁴ Thousands were forced to sleep on the streets⁶⁵ or in cold basements or other make-shift shelters, often on thin blankets on the floor.⁶⁶

22. Others sought shelter at the Russian Federation peacekeepers' base at the airport in Stepanakert,⁶⁷ but the peacekeepers made clear that they cannot keep

⁶² Human Rights Defender of the Republic of Armenia, *The results of the monitoring and analyzes conducted by the Office of the Human Rights Defender of the RA prove that the humanitarian disaster in Nagorno-Karabakh is deepening hour by hour* (21 September 2023) (**Annex 84**).

⁶³ Human Rights Defender of the Republic of Armenia, *Statement of the Human Rights Defender of Armenia on hatred towards Armenians by Azerbaijan* (24 September 2023) (**Annex 110**).

⁶⁴ Ministry of Foreign Affairs of the Republic of Armenia, *Statement of Foreign Minister of Armenia Ararat Mirzoyan at the 78th session of the United Nations General Assembly* (23 September 2023), available at https://www.mfa.am/en/speeches/2023/09/23/fm_unga/12236, PDF p. 2 (**Annex 97**).

⁶⁵ O. Ivshina & R. Plummer, "Karabakh humanitarian fears grow with thousands sleeping on Stepanakert streets", *BBC News* (24 September 2023), available at <https://www-bbc-com.cdn.ampproject.org/c/s/www.bbc.com/news/world-europe-66901759.amp> (**Annex 107**); Laurence Broers @LaurenceBroers, "Some #Karabakh updates: Humanitarian situation critical in Stepanakert/Khankendi; seems gas and electricity not restored to town; people are in sleeping in public buildings and in some cases the streets. Sanitary situation very precarious", *X* (23 September 2023), available at <https://twitter.com/laurencebroers/status/1705632539979788786> (**Annex 101**).

⁶⁶ Human Rights Defender of the Republic of Armenia, *The results of the monitoring and analyzes conducted by the Office of the Human Rights Defender of the RA prove that the humanitarian disaster in Nagorno-Karabakh is deepening hour by hour* (21 September 2023) (**Annex 84**). See also "The children of Artsakh (photos)", *News.am* (22 September 2023), available at <https://news.am/eng/news/782680.html> (**Annex 96**). See also Compendium of Illustrative Images Showing the Civilian Suffering and Forced Displacement Resulting from Azerbaijan's Military Assault on Nagorno-Karabakh and its Targeting of Civilians and Civilian Structures (Confidential) (**Annex 122**).

⁶⁷ "Chaos and Crisis as Azerbaijan Attacks Nagorno-Karabakh", *Bellingcat* (21 September 2023), available at <https://www.bellingcat.com/news/2023/09/21/chaos-and-crisis-as-azerbaijan-attacks-nagorno-karabakh> (**Annex 83**); F. Light, "Fleeing bombs and death, Armenians recount fear and hunger", *Reuters* (24 September 2023), available at <https://www.reuters.com/world/fleeing-bombs->

Armenians safe. They were deployed to Nagorno-Karabakh to “prevent the mass death of the civilian population”⁶⁸ but, in the wake of Azerbaijan’s attack, the Russian Federation announced that its peacekeepers “have no rights to use weapons” as long as “the peacekeepers themselves are not threatened”.⁶⁹

23. The ethnic Armenians therefore have been left to fend for themselves. They live in a constant state of fear, well aware of the atrocities Azerbaijan’s armed forces and agents have historically committed against ethnic Armenian civilians.⁷⁰ While information is limited, credible reports of further atrocities are widespread.⁷¹ In the meantime, hate speech calling on Azerbaijani soldiers to perpetrate violence

death-karabakh-armenians-recount-visceral-fear-hunger-2023-09-24/ (“Thousands [at the airport] slept on the ground without food and little water”) (**Annex 109**).

⁶⁸ The Federation Council of the Federal Assembly of the Russian Federation, *On the use of a military unit of the Armed Forces of the Russian Federation in Nagorno-Karabakh* (18 November 2020), available at <http://council.gov.ru/activity/documents/121580/> (**RAPM2, Annex 23**) (certified translation from Russian).

⁶⁹ “Peacekeepers in Karabakh cannot use weapons if not under threat — senior legislator”, *TASS Russian News Agency* (19 September 2023), available at <https://tass.com/politics/1677179> (**Annex 70**).

⁷⁰ Memorial of the Republic of Armenia, Vol. I Part II, Chapter 2, Section I & II.A; Part III, Chapter 1, Sections II, III, VI; Part III, Chapter 2, Section II; Part III, Chapter 3, Section I.A; Part IV, Chapter 1; Part IV, Chapter 2, Section I.

⁷¹ Lemkin Institute for GenocidePrevention, @lemkininstitute, “There are stories coming out of Artsakh of the beheading of children and the separation of older boys and men from women and children. We hope these are not true, but we have every reason to believe that they are”, *X* (22 September 2023), available at <https://twitter.com/lemkininstitute/status/1705395252385714513> (**Annex 94**); Nagorno Karabakh Observer @NKobserver, “Reports of war crimes by Azeri forces in ethnic-Armenian Karabakhi villages. We’ve come across some reports, verified a few, working on getting a detailed picture. This could partially explain why many in the regions further out remain unaccounted for 3 days after the ceasefire”, *X* (23 September 2023), available at <https://twitter.com/nkobserver/status/1705605392074445040> (**Annex 98**).

against Armenians is prolific,⁷² and footage depicts the Azerbaijan Armed Forces shooting randomly at an Armenian home.⁷³

24. The ethnic Armenians of Nagorno-Karabakh do not just fear for their physical safety; they also have other “dire humanitarian needs”.⁷⁴ They are without proper food, heat, reliable electricity, or hygiene essentials.⁷⁵ The attack completely paralyzed an already severely weakened healthcare system, depriving people of

⁷² See Human Rights Defender of the Republic of Armenia, *The results of the monitoring and analyzes conducted by the Office of the Human Rights Defender of the RA prove that the humanitarian disaster in Nagorno-Karabakh is deepening hour by hour* (21 September 2023) (**Annex 84**); Human Rights Defender of the Republic of Armenia, *Statement of the Human Rights Defender of Armenia on hatred towards Armenians by Azerbaijan* (24 September 2023) (**Annex 110**); “Monitoring Ethnic Cleansing in Nagorno-Karabakh”, *University Network for Human Rights*, available at <https://www.humanrightsnetwork.org/nk-live-monitor>, PDF p. 7 (“Azerbaijani Telegram users reposted images of missing Armenians that had originally been published by their relatives on social media, mainly images of children and young women, adding instructions to kill, rape, dismember, mutilate and torture them if found”) (**Annex 119**). See also *Demonstrative List of Hate Speech and Racial Hatred by Azerbaijani State Officials, Public Figures and Other Individuals and Groups against Armenians Following the 19 September Military Assault against Nagorno-Karabakh* (**Annex 121**).

⁷³ See, e.g., Video showing an Azerbaijani Serviceman Opening Fire on a Civilian Home (**Annex 14**).

⁷⁴ “Azerbaijan: Ensure Civilians’ Rights in Nagorno Karabakh”, *Human Rights Watch* (23 September 2023), available at <https://www.hrw.org/news/2023/09/23/azerbaijan-ensure-civilians-rights-nagorno-karabakh>, PDF p. 1 (“Thousands of civilians in Nagorno-Karabakh have dire humanitarian needs following Azerbaijan’s military operation to regain control over the region”) (**Annex 100**).

⁷⁵ Nagorno-Karabakh Human Rights Ombudsman @ArtsakhOmbuds “! More than 10,000 people are currently evacuated from their native communities, forced to find a shelter in other settlements of Artsakh, where relative safety can be provided. Among them are women, children and elderly, many of whom have been displaced for several times in their life already due to the Azerbaijani aggression. With no proper food, medication, hygiene essentials — this is a national catastrophe in real time and a gross violation of all fundamental human rights”, X (20 September 2023), available at <https://twitter.com/artsakhombuds/status/1704534153411035457> (**Annex 76**); Human Rights Defender of the Republic of Armenia, *The results of the monitoring and analyzes conducted by the Office of the Human Rights Defender of the RA prove that the humanitarian disaster in Nagorno-Karabakh is deepening hour by hour* (21 September 2023) (**Annex 84**). As of the date of filing, Azerbaijan appears to have restored electricity to Stepanakert through its own electrical grid, but not through the electrical line running through Armenia. It is therefore equipped to continue to weaponize the provision of public utilities to the remaining ethnic Armenians of Nagorno-Karabakh at any time.

even basic first aid.⁷⁶ In conditions where many schools and other education facilities had already been forced to close as a result of disruptions to the provision of gas and electricity even before the attack, the education system has completely collapsed.⁷⁷ Azerbaijan's attack has also destroyed ethnic Armenians' homes and created fears that others will inevitably be confiscated, and placed obstacles on ethnic Armenians' freedom of movement, even within Nagorno-Karabakh.⁷⁸ Moreover, additional Armenian cultural heritage sites and monuments have fallen

⁷⁶ See Human Rights Defender of the Republic of Armenia, *The results of the monitoring and analyzes conducted by the Office of the Human Rights Defender of the RA prove that the humanitarian disaster in Nagorno-Karabakh is deepening hour by hour* (21 September 2023) (**Annex 84**); Human Rights Defender of the Republic of Armenia, *Statement of the Human Rights Defender of Armenia on hatred towards Armenians by Azerbaijan* (24 September 2023) (**Annex 110**).

⁷⁷ S. Sargsyan, "Start of School in Jeopardy as Nagorny Karabakh Blockade Continues", *Institute for War & Peace Reporting* (29 August 2023), available at <https://iwpr.net/global-voices/start-school-jeopardy-nagorny-karabakh-blockade-continues> (**Annex 44**).

⁷⁸ See "Bodies of 100 victims are in settlements cut off from Stepanakert", *News.am* (23 September 2023), available at <https://news.am/eng/news/782883.html>, ("There are cases when several peaceful civilian victims from one family are killed, Arman Tatoyan, former Armenia Human Rights Defender, said on Facebook. "People are not able to take the bodies of the victims to forensic examinations so that they can bury them, since Azerbaijani armed servicemen keep communities isolated from each other") (**Annex 104**).

under Azerbaijan's control⁷⁹ and at least one has been desecrated on film.⁸⁰ Furthermore, the former State Minister of the local Armenian civilian administration has already been arrested,⁸¹ with numerous other arrests almost certain to follow soon.⁸²

25. In this context, Azerbaijan's claims that it will henceforth afford ethnic Armenians in Nagorno-Karabakh "all rights and freedoms in line with its

⁷⁹ See "Hundreds of Armenian heritage sites at risk in Nagorno-Karabakh", *Cornell University* (21 September 2023), available at <https://as.cornell.edu/news/hundreds-armenian-heritage-sites-risk-nagorno-karabakh> ("As the Armenian population is removed from Nagorno-Karabakh, hundreds of Armenian monasteries, churches, cemeteries and shrines will be at risk of erasure"; "Adam Smith: 'If these organizations fail, another irreplaceable medieval and early modern Armenian cultural landscape will vanish. And other national leaders, hostile to ethnic minorities in their midst, will see inaction as a green light for their own purging of humanity's past. The result will be an impoverished archaeological record, a human past rebuilt around intolerant fictions of national homogeneity and a future deprived of our tangible monuments to human creativity, tolerance and peace. UNESCO and international organizations committed to preservation must not fail in protecting the cultural heritage of the South Caucasus'"; "Lory Khatchadourian: 'When that happens, Armenians will leave behind a rich cultural and religious landscape with scores of heritage sites, from exquisite medieval monasteries to modest village churches, to historic cemeteries with iconic engraved cross stones. The risk of destruction and falsification of these cultural and religious sites is immense. If Azerbaijan takes sovereign control over Nagorno-Karabakh, we estimate that an additional 200-300 Armenian cultural heritage sites will be endangered'") (**Annex 91**).

⁸⁰ Caucasus Heritage Watch @CaucasusHW, "The video below shows two Azerbaijani soldiers firing on the 13th century Charektar Monastery, one from an armored vehicle. Such attacks are in direct violation of the ICJ's provisional measure concerning Armenian cultural heritage and must be investigated and prosecuted", *X* (26 September 2023), available at <https://twitter.com/CaucasusHW/status/1706826914009157724> (**Annex 116**) (including video **Annex 116V**).

⁸¹ "Ruben Vardanyan arrested by Azerbaijani authorities, his wife confirms", *Public Radio of Armenia* (27 September 2023), available at <https://en.armradio.am/2023/09/27/ruben-vadanyan-arrested-his-wife-confirms/> (**Annex 118**).

⁸² See, e.g., "Ilham Aliyev addressed the nation" *President of the Republic of Azerbaijan Ilham Aliyev* (20 September 2023), available at <https://president.az/en/articles/view/61113> ("We accused the elements and leaders of the criminal regime, and we will bring them to justice. Some have already received their deserved punishment, and others will follow suit") (**Annex 82**); "Azerbaijan's intent to prosecute NKR leadership outrages Yerevan", *JAM News* (20 February 2022), available at <https://jam-news.net/azerbaijans-intent-to-prosecute-nkr-leadership-outrages-yerevan/> (**Annex 2**).

Constitution and relevant international human rights mechanisms”⁸³ ring hollow. Prior to its attack, Azerbaijan made clear that, notwithstanding Nagorno-Karabakh’s unique historical status,⁸⁴ “Armenians living in Karabakh will have no status, no independence, and no special privilege”.⁸⁵ Numerous international actors, including at emergency sessions of the United Nations Security Council, have expressed their concern over Azerbaijan’s intentions, underscoring its responsibility for ensuring the rights and security of the ethnic Armenians of Nagorno-Karabakh, including their right to live in their homes without intimidation and discrimination.⁸⁶ For his part, the United Nations High Commissioner for

⁸³ Ministry of Foreign Affairs of the Republic of Azerbaijan, *No:533/23, Statement by Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan, at the 9422nd Meeting of the UN Security Council* (19 September 2023), available at <https://mfa.gov.az/en/news/no53323> (**Annex 66**).

⁸⁴ Memorial of the Republic of Armenia, Vol. I, Part II, Chapter 2.

⁸⁵ “Azerbaijan Television interviewed Ilham Aliyev in Basgal settlement of Ismayilli district”, *President of the Republic of Azerbaijan* (12 August 2022), available at <https://president.az/en/articles/view/56906> (**Annex 37**).

⁸⁶ See, e.g., UN Meetings Coverage and Press Releases, Security Council, *Latest Clash between Armenia, Azerbaijan Undermines Prospects of Peace, Speakers Warn Security Council, Calling for Genuine Dialogue to Settle Outstanding Issues* (21 September 2023), available at <https://press.un.org/en/2023/sc15418.doc.htm> (**Annex 88**); *ibid.* (Representative of Germany: “The people of Nagorno-Karabakh deserve to live in security and to have their rights protected”); *ibid.* (High Representative of the European Union for Foreign Affairs and Security Policy: “Baku should engage in a comprehensive and transparent dialogue with the Karabakh Armenians to ensure their rights and security, including their right to live in their homes in dignity, he said, taking note that a meeting took place today”); *ibid.* (the Representative of the United States of America “voiced her alarm at the situation in Nagorno-Karabakh resulting from Azerbaijan’s continued military action and urged Baku to stop it. Yesterday’s announcement of a cessation of hostilities is a positive development but the situation remains fluid. Azerbaijan should comply with international law, including international humanitarian law, as well as its obligation to protect the human rights of those people in its territory”.); *ibid.* (Representative of Ecuador: “The recently announced ceasefire must be fully implemented on the ground and serve to de-escalate tensions to create the necessary guarantees for the security and stability of the region’s inhabitants”); *ibid.* (Representative of Malta: “Such acts constitute an obstacle to peace,” he said, condemning any act that endangers civilian lives and calling for the protection of women, children, the elderly, people with disability and other vulnerable groups”). See also President of the European Council, Charles Michel @CharlesMichel, “Called on @presidentaz Aliyev in a phone call this morning to ensure full ceasefire & safe, dignified treatment by Azerbaijan of Karabakh Armenians. Their rights and security need to be credibly guaranteed. Access needed for immediate humanitarian assistance”, *X* (20 September

Human Rights has emphasised that “[i]t is important that the rights of the ethnic Armenian population on the ground are safeguarded and all actions rooted in international law”.⁸⁷

26. Moreover, while it is widely acknowledged that “[u]rgent humanitarian access and monitoring are needed to ensure safety for Nagorno-Karabakh’s

2023), available at <https://twitter.com/CharlesMichel/status/1704499593751277796> (**Annex 78**); Organization for Security and Co-operation in Europe, *OSCE Chairman-in-Office Osmani calls for de-escalation and return to dialogue after meeting Ministers of Foreign Affairs of Armenia and Azerbaijan* (20 September 2023), available at <https://www.osce.org/chairpersonship/552871> (“Chairman Osmani raised his deep concerns over yesterday’s military operations in the region and the danger these pose to the affected civilian population. While calling for immediate de-escalation, he again voiced his concerns over the severe consequences for the conflict-affected population, especially on vulnerable groups. He emphasized that humanitarian considerations must prevail and that humanitarian needs of the local people must be met”) (**Annex 80**); International Committee of the Red Cross ICRC @ICRC, “1/ Azerbaijan/Armenia: following today’s escalation of hostilities, we are extremely concerned about the humanitarian impact on civilians in the coming hours and days”, X (19 September 2023), available at <https://x.com/ICRC/status/1704184288487293309> (“1/ Azerbaijan/Armenia: following today’s escalation of hostilities, we are extremely concerned about the humanitarian impact on civilians in the coming hours and days”) (**Annex 73**); Azerbaijan: Ensure Civilians’ Rights in Nagorno Karabakh”, *Human Rights Watch* (23 September 2023), available at <https://www.hrw.org/news/2023/09/23/azerbaijan-ensure-civilians-rights-nagorno-karabakh> (“‘Civilians in Nagorno-Karabakh are facing a dire humanitarian crisis and grave uncertainty about their future,’ said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. ‘Azerbaijani authorities have said that everyone’s rights will be protected, but that is hard to take at face value after the months of severe hardships and decades of conflict.’ ... For civilians who choose to evacuate, Azerbaijan is obligated to allow them to return to their homes under a fundamental precept of international human rights law, Human Rights Watch said”) (**Annex 100**).

⁸⁷ UNHR Statements and Speeches, *Azerbaijan / Armenia - Comment by UN Human Rights Chief Volker Türk* (26 September 2023), available at <https://www.ohchr.org/en/statements-and-speeches/2023/09/azerbaijan-armenia-comment-un-human-rights-chief-volker-turk> (“I am following with concern the evolving and fragile humanitarian situation. It is important that the rights of the ethnic Armenian population on the ground are safeguarded and all actions rooted in international law. Protection of all civilians must be an absolute priority. Those affected must have access to humanitarian assistance ... States have an obligation not to deny ethnic, religious or linguistic minorities the right to enjoy their own culture, to profess and practise their own religion, or to use their own language. Each State should also protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within its territory and encourage conditions for promoting that identity”) (**Annex 115**).

civilians”,⁸⁸ Azerbaijan resists any international presence or involvement.⁸⁹ And it does so in circumstances in which credible “international experts have repeatedly warned of the risk of ethnic cleansing of Armenians in the enclave”;⁹⁰ in which

⁸⁸ “Azerbaijan: Ensure Civilians’ Rights in Nagorno Karabakh”, *Human Rights Watch* (23 September 2023), available at <https://www.hrw.org/news/2023/09/23/azerbaijan-ensure-civilians-rights-nagorno-karabakh> (**Annex 100**). See also United States Agency for International Development, *Administrator Samantha Power At a Press Conference in Armenia* (25 September 2023), available at <https://www.usaid.gov/news-information/speeches/sep-25-2023-administrator-samantha-power-press-conference-armenia> (“First and foremost, we are calling on Azerbaijan to maintain the ceasefire and take concrete steps to protect the rights of civilians in Nagorno-Karabakh. President [Ilham] Aliyev has promised to guarantee the rights of ethnic Armenians. Azerbaijan must live up to that promise, and more than that, and critically, the world must be able to verify that Azerbaijan is living up to that promise”) (**Annex 112**); “Karabakh region: End the military escalation and ensure the safety and human rights of civilians”, *Council of Europe* (20 September 2023), available at <https://www.coe.int/en/web/commissioner/-/karabakh-region-end-the-military-escalation-and-ensure-the-safety-and-human-rights-of-civilians> (“the local population has been suffering the humanitarian and human rights consequences of armed hostilities in the region. Since last December, in particular, they have been living in isolation, experiencing acute shortages of basic supplies and services. I am deeply concerned to see that their safety is once again threatened and their human rights violated, deepening their suffering ... It is crucial that armed hostilities in the region come to an end, to ensure the safety of the civilian population. Guaranteeing regular and unimpeded access for those who provide humanitarian assistance and those who ensure human rights protection to the affected local population is essential”) (**Annex 81**); “Scholz demands safety for people in Nagorno-Karabakh”, *Deutschland.de* (23 September 2023), available at <https://www.deutschland.de/en/news/scholz-demands-safety-for-people-in-nagorno-karabakh> (“the Federal Chancellor stressed that the rights and safety of the population of Nagorno-Karabakh must be protected if a long-term settlement to the conflict is to be found. The Federal Chancellor also said that it was now up to Azerbaijan to provide humanitarian aid and guarantee the safety of people in Nagorno-Karabakh in a transparent way”) (**Annex 105**).

⁸⁹ See, e.g., “Elchin Amirbeyov: ‘Reintegration of Karabakh Armenians is an internal matter of Azerbaijan’”, *Report.az* (21 September 2023), available at <https://report.az/xarici-siyaset/elcin-emirbeyov-qarabag-ermenilerin-reinteqrasiyasi-azerbaycanin-daxili-isidir> (Ambassador Elchin Amirbeyov, representative of the President of Azerbaijan on special tasks: “Dialogue between the central government of Azerbaijan and the Armenian population of Karabakh, their reintegration into our society is purely an internal matter of our country”) (certified translation from Azerbaijani) (**Annex 93**); “Azerbaijan’s Pressure on Nagorno-Karabakh: What to Know”, *Council on Foreign Relations* (14 September 2023), available at <https://www.cfr.org/in-brief/azerbaijans-pressure-nagorno-karabakh-what-know> (describing Azerbaijani President Ilham Aliyev as taking the position that “demands for international protections were an infringement on Azerbaijan’s internal affairs, and that ethnic Armenians were already covered by the Azerbaijani constitution’s protections for its other ethnic minorities”) (**Annex 53**).

⁹⁰ C. Edwards, “Azerbaijan has reclaimed Nagorno-Karabakh. What does that mean for the tens of thousands living there?”, *CNN* (23 September 2023), available at <https://edition.cnn.com/2023/09/23/asia/nagorno-karabakh-armenia-azerbaijan-reintegrate->

hatred of ethnic Armenians permeates the Azerbaijani education⁹¹ and judicial systems,⁹² media,⁹³ and statements by Azerbaijan's highest public officials;⁹⁴ and in which countless past atrocities have been committed against ethnic Armenians⁹⁵ with absolute impunity,⁹⁶ if not outright glorification⁹⁷ by the Azerbaijani State itself.⁹⁸

27. For decades, Azerbaijan has sought to suppress any expression of ethnic Armenian identity in Azerbaijan. It has systematically worked to destroy all traces of Armenian cultural heritage⁹⁹ and to rewrite the history of the region to erase the

intl/index.html (**Annex 103**). See also, e.g., L. Moreno Ocampo, *Genocide against Armenians in 2023* (7 August 2023), available at <https://luismorenoocampo.com/wp-content/uploads/2023/08/Armenia-Report-Expert-Opinion.pdf> (**Annex 34**); J. Ernesto Mendez, *PRELIMINARY OPINION on the situation in Nagorno-Karabakh and on the need for the international community to adopt measures to prevent atrocity crimes* (23 August 2023), available at https://un.mfa.am/file_manager/un_mission/Preliminary%20Opinion%20-%202023.08.2023.pdf (**Annex 41**).

⁹¹ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section I.C; Chapter 3, Section II.D.

⁹² Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section II; Part III, Chapter 2, Section II; Part III Chapter 3, Section I.B; Part IV, Chapter 2, Section I.B; Part IV, Chapter 3.

⁹³ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section I.B; Chapter 3, Section II.D.

⁹⁴ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section I.A & Chapter 3, Section II.A.

⁹⁵ Memorial of the Republic of Armenia, Vol. I, Part II, Chapter 2, Section I & II.A; Part III, Chapter 1, Sections II, III, VI; Part III, Chapter 2, Section II; Part III, Chapter 3, Section I.A; Part IV, Chapter 1; Part IV, Chapter 2, Section I.

⁹⁶ Memorial of the Republic of Armenia, Vol. I, Part IV, Chapter 3.

⁹⁷ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Part III, Section III.

⁹⁸ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section I.A; Part III, Chapter 3, Section II.A.

⁹⁹ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Sections V.A, V.B; Part III, Chapter 2, Section IV; Part III, Chapter 3, Sections III.A, III.D; Part IV, Chapter 2, Sections III.A, III.C, and III.D.

presence of ethnic Armenians.¹⁰⁰ As a result of these and other forms of persecution,¹⁰¹ even before Azerbaijan’s blockade and 19 September attack, the few ethnic Armenians remaining in territory under Azerbaijan’s control felt compelled to “behave as inconspicuously as possible or even hide their identity because they fear[ed] possible negative consequences”.¹⁰² In President Aliyev’s words, in a speech given in Shushi, the Armenian language is an “alien language”, promising that “no songs will be sung [in Shushi] in an alien language”.¹⁰³ Despite statements and ostensible assurances for international consumption, Azerbaijan is already effecting this reality on the ground.¹⁰⁴

28. In this context, the fate of the ethnic Armenians of Nagorno-Karabakh remains deeply uncertain. As of 27 September, Azerbaijan has already forcibly displaced more than 50 thousand to Armenia.¹⁰⁵ While Armenia will update the Court with further information and evidence as it becomes available, it is already clear that, absent the urgent intervention of the Court to protect their physical security and political, civil, economic, social, cultural and other CERD rights, the

¹⁰⁰ Memorial of the Republic of Armenia, Vol. I, Part III, Chapter 1, Section V.C; Part III, Chapter 3, Section III.B; Part IV, Chapter 2, Section III.B.

¹⁰¹ Memorial of the Republic of Armenia, Vol. I, Part VI, Chapter 2.

¹⁰² Advisory Committee on the Framework Convention for the Protection of National Minorities, *Fourth Opinion on Azerbaijan* (8 November 2017), available at <https://rm.coe.int/4th-acfc-opinion-on-azerbaijan-english-language-version/1680923201>, para. 41, p. 17 (**Annex 1**).

¹⁰³ “President, Commander-in-Chief of Armed Forces Ilham Aliyev made a speech in front of servicemen in Shusha”, *The President of the Republic of Azerbaijan Ilham Aliyev* (8 November 2021), available at <https://en.president.az/articles/54047> (cited in **Memorial of Armenia, Annex 292**).

¹⁰⁴ Ayshan Aslan-Mammadli @AyshanASLAN, X (24 September 2023), available at <https://twitter.com/AyshanASLAN/status/1706000549122801959> (subsequently deleted tweet in which a prominent Azerbaijani State-employed academic boasts about footage of removal of an Armenian language road sign, stating: “No more Armenian words in #Karabakh”) (**Annex 106**).

¹⁰⁵ “50,243 forcibly displaced persons enter Armenia from Nagorno-Karabakh as of 15pm Wednesday”, *News.am* (27 September 2023), available at <https://news.am/eng/news/783649.html> (**Annex 117**).

forcibly displaced will never return and most if not all of the remaining ethnic Armenians of Nagorno-Karabakh will be killed, detained or displaced. The Court must act to avert that human tragedy and radical change of the *status quo* in the pending case.

III. PRIMA FACIE JURISDICTION

29. The Court “may indicate provisional measures only if the provisions relied on by the Applicant appear, prima facie, to afford a basis on which its jurisdiction could be founded, but need not satisfy itself in a definitive manner that it has jurisdiction as regards the merits of the case”.¹⁰⁶

30. In its Order of 7 December 2021 on Armenia’s first Request for Provisional Measures, the Court “conclude[d] that, prima facie, it has jurisdiction pursuant to Article 22 of CERD to entertain the case to the extent that the dispute between the Parties relates to the ‘interpretation or application’ of the Convention”.¹⁰⁷ The Court saw no reason to revisit this conclusion in its Order of 22 February 2023 on Armenia’s second Request for Provisional Measures.¹⁰⁸ There is no reason to revisit this conclusion in the context of the present request either.

¹⁰⁶ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 15.

¹⁰⁷ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 43.

¹⁰⁸ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023*, para. 26.

IV. THE RIGHTS WHOSE PROTECTION IS SOUGHT AND THE LINK BETWEEN SUCH RIGHTS AND THE MEASURES REQUESTED

31. The Court has “the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to preserve the respective rights of either party”.¹⁰⁹ The Court at this stage “is not called upon to determine definitively whether the rights which Armenia wishes to see protected exist”.¹¹⁰ Rather, it need only decide whether the rights claimed by Armenia on the merits, and for which it is seeking protection, are “plausible” and linked to the provisional measures requested.¹¹¹

32. In its Order of 7 December 2021, the Court observed that Armenia in the present proceedings “asserts rights under Articles 2, 3, 4, 5, 6 and 7 of CERD”, and that at least some of the rights claimed by Armenia are plausible.¹¹² In its Order of 22 February 2023, the Court further observed that it “considers plausible at least some of the rights that Armenia claims to have been violated in light of Articles 2 and 5 of CERD through the interruption of movement along the Lachin Corridor”.¹¹³

¹⁰⁹ Statute of the International Court of Justice, Art. 41(1).

¹¹⁰ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 45.

¹¹¹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 45.

¹¹² *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, paras. 46, 59.

¹¹³ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023*, para. 39.

33. By means of the present Request, Armenia seeks the preservation and protection of these and other CERD rights, including:

- 1) the right to have Azerbaijan fulfil its obligation to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races under Article 2(1);
- 2) the right to be free from racial discrimination sponsored, defended, or supported by Azerbaijan under Article 2(1)(b);
- 3) the right to be free from anything that strengthens racial division under Article 2(1)(e);
- 4) the right to benefit from special and concrete measures to ensure the adequate development and protection of ethnic Armenians for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms under Article 2(2);
- 5) the right to be protected from ethnic cleansing under Article 3;
- 6) the right to have Azerbaijan fulfil its obligations to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law in the enjoyment of:
 - i. the right to security of person and protection by the State against violence or bodily harm under Article 5(b);
 - ii. the right to freedom of movement under Article 5(d)(i);
 - iii. the right to return to one's country under Article 5(d)(ii);

- iv. the right to freedom of thought, conscience and religion under Article 5(d)(vii);
 - v. the right to right to freedom of opinion and expression under Article 5(d)(viii);
 - vi. the right to freedom of peaceful assembly and association under Article 5(d)(ix);
 - vii. the right to work and to just and favourable conditions of work under Article 5(e)(i);
 - viii. the right to housing under Article 5(e)(iii);
 - ix. the right to public health, medical care, social security and social services under Article 5(e)(iv);
 - x. the right to education under Article 5(e)(v);
 - xi. the right to participate in cultural activities under Article 5(e)(vi);
- 7) the rights to effective protection and remedies and to seek just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination under Article 6; and
- 8) the right to benefit from immediate and effective measures with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups under Article 7.

34. All of these rights are enshrined in the CERD, to which both Armenia and Azerbaijan have acceded. Moreover, Azerbaijan's actions prompting this Request target ethnic Armenians alone, and clearly had the "purpose" and "effect" of interfering with the equal enjoyment and exercise of their CERD rights:¹¹⁴ hundreds of ethnic Armenians have been killed; tens of thousands have been forcibly displaced and continue to fear for their lives; homes and other civilian infrastructure have been destroyed; cultural sites and monuments are under direct threat of destruction or falsification; schools and businesses have been closed; and there are dire shortages of food and other basic necessities, including medical care. Even in periods of *de facto* peace, Azerbaijan has systematically incited hatred of and otherwise discriminated against ethnic Armenians in areas under its control. To expect that it will act any differently with the ethnic Armenian population in Nagorno-Karabakh that is now at its complete mercy is a fallacy.

35. In such circumstances, the rights for which protection is sought are plainly plausible. They are, moreover, linked to the provisional measures Armenia requests because those measures, if indicated, would safeguard these very rights.

V. RISK OF IRREPARABLE PREJUDICE AND URGENCY

36. The Court has the power to indicate provisional measures "when irreparable prejudice could be caused to rights which are the subject of judicial proceedings or when the alleged disregard of such rights may entail irreparable consequences".¹¹⁵ This power will be exercised "only if there is urgency, in the sense that there is a real and imminent risk that irreparable prejudice will be caused

¹¹⁴ See CERD, Art. 1(1).

¹¹⁵ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 69.

to the rights claimed before the Court gives its final decision”.¹¹⁶ This “condition of urgency is met when the acts susceptible of causing irreparable prejudice can ‘occur at any moment’ before the Court makes a final decision on the case”.¹¹⁷

37. The Court has found in past cases in which the CERD was at issue that “the rights stipulated in Article 5 (a), (b), (c), (d) and (e) are of such a nature that prejudice to them is capable of causing irreparable harm”.¹¹⁸ The same is true of the other rights for which Armenia seeks protection.

38. Indeed, Azerbaijan’s disregard for the rights in question has already caused, and will continue to cause, irreparable prejudice to the rights of the ethnic Armenians of Nagorno-Karabakh. Despite the ceasefire that ended Azerbaijan’s military assault, the rights of ethnic Armenians are in grave danger. As of the filing of this Request, Azerbaijan’s armed forces—the same armed forces that have repeatedly committed numerous atrocities against ethnic Armenians in the past—remain deployed in Nagorno-Karabakh and in close proximity to the remaining population. Thousands remain displaced from their homes and are living on the streets or in shelters without access to food, medicine, gas or other basic necessities. Many remain separated from their families. Moreover, the threat of further atrocities remains high: the Russian Federation peacekeepers have made clear that they have no authority to protect the ethnic Armenians who have laid down their

¹¹⁶ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 70.

¹¹⁷ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 70.

¹¹⁸ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 81. See also *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023*, para. 53.

arms. In the meantime, prolific hate speech and credible evidence of atrocities committed against ethnic Armenians make clear that they are at continued risk of serious harm.

39. While Azerbaijan claims that it will provide ethnic Armenians “all rights and freedoms in line with its Constitution and relevant international human rights mechanisms”,¹¹⁹ such promises are meaningless without a credible mechanism to ensure that they are kept. Azerbaijan’s past actions—including its systematic persecution of ethnic Armenians living in areas under Azerbaijan’s control, as well as its nine-month siege on the very ethnic Armenians it now cynically claims to be willing to protect—make unequivocally clear that the ethnic Armenians of Nagorno-Karabakh remain highly “vulnerable”, and that the situation is “unstable and could rapidly change”.¹²⁰ Indeed, if the Court does not act quickly, there is a grave risk that the entire remaining ethnic Armenian population of Nagorno-Karabakh will be killed, detained or displaced in violation of their most basic rights under the CERD.

VI. PROVISIONAL MEASURES REQUESTED

40. Azerbaijan’s persistent aggravation of the dispute and non-compliance with the previous Orders of the Court require the indication of specific, clear and concrete provisional measures to avert imminent and grave prejudice to the remaining ethnic Armenians of Nagorno-Karabakh. For the foregoing reasons,

¹¹⁹ Ministry of Foreign Affairs of the Republic of Azerbaijan, *No:533/23, Statement by Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan, at the 9422nd Meeting of the UN Security Council* (19 September 2023), available at <https://mfa.gov.az/en/news/no53323>, p. 6 (**Annex 66**).

¹²⁰ *Application of the International Convention on the Elimination of All forms of Racial Discrimination, Request for the Indication of Provisional Measures (Georgia v. Russian Federation)*, *Provisional Order of 15 October 2008, I.C.J. Reports 2008*, p. 353, para. 143.

Armenia respectfully requests that the Court indicate the following provisional measures:

- 1) “Azerbaijan shall refrain from taking any measures which might entail breaches of its obligations under the CERD”;
- 2) “Azerbaijan shall refrain from taking any actions directly or indirectly aimed at or having the effect of displacing the remaining ethnic Armenians from Nagorno-Karabakh, or preventing the safe and expeditious return to their homes of persons displaced in the course of the recent military attack including those who have fled to Armenia or third States, while permitting those who wish to leave Nagorno-Karabakh to do so without any hindrance;
- 3) “Azerbaijan shall withdraw all military and law-enforcement personnel from all civilian establishments in Nagorno-Karabakh occupied as a result of its armed attack on 19 September 2023”;
- 4) “Azerbaijan shall facilitate, and refrain from placing any impediment on, the access of the United Nations and its specialized agencies to the ethnic Armenians of Nagorno-Karabakh, and shall not interfere with their activities in any way”;
- 5) “Azerbaijan shall facilitate, and refrain from placing any impediment on, the ability of the International Committee of the Red Cross to provide humanitarian aid to the ethnic Armenians of Nagorno-Karabakh, and shall cooperate with the International Committee of the Red Cross to address the other consequences of the recent conflict”;

- 6) “Azerbaijan shall immediately facilitate the full restoration of public utilities, including gas and electricity, to Nagorno-Karabakh, and shall refrain from disrupting them in the future”;
- 7) “Azerbaijan shall refrain from taking punitive actions against the current or former political representatives or military personnel of Nagorno-Karabakh”;
- 8) “Azerbaijan shall not alter or destroy any monument commemorating the 1915 Armenian genocide or any other monument or Armenian cultural artefact or site present in Nagorno-Karabakh”;
- 9) “Azerbaijan shall recognize and give effect to civil registers, identity documents and property titles and registers established by the authorities of Nagorno-Karabakh, and shall not destroy or confiscate such registers and documents”;
- 10) “Azerbaijan shall submit a report to the Court on all measures taken to give effect to this Order within one month, as from the date of this Order, and thereafter every three months, until a final decision on the case is rendered by the Court”.

41. Armenia further requests that the Court reaffirm Azerbaijan’s obligations under the Court’s existing Orders, including its obligations to “[p]rotect from violence and bodily harm all persons captured in relation to the 2020 Conflict who remain in detention, and ensure their security and equality before the law”¹²¹;

¹²¹ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 98(1)(a).

to “[t]ake all necessary measures to prevent and punish acts of vandalism and desecration affecting Armenian cultural heritage, including but not limited to churches and other places of worship, monuments, landmarks cemeteries and artefacts”;¹²² to “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”;¹²³ and to “refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve”.¹²⁴

42. In addition to the above, in view of the extreme urgency of the situation, Armenia requests, pursuant to Article 74(4) of the Rules of Court, that the President, pending the Court’s decision on Armenia’s request, call upon Azerbaijan to act in such a way as will enable any order the Court may make on the request to have its appropriate effects. In light of the rapid evolution of the situation on the ground and the forcible displacement of the ethnic Armenian population that is already underway, the intervention of the President has rarely been more needed.

43. Armenia reserves the right to revise, supplement, or amend the terms of this Request, as well as the grounds invoked. Armenia furthermore certifies that all translations of annexes submitted herewith are, to the best of its knowledge and belief, a true and correct rendering of the text in the original language.

¹²² *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 98(1)(c).

¹²³ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 22 February 2023*, para. 67.

¹²⁴ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan), Provisional Measures, Order of 7 December 2021*, p. 361, para. 98(2).

Respectfully submitted,

Dr. Yeghishe Kirakosyan
AGENT OF THE REPUBLIC OF ARMENIA
28 SEPTEMBER 2023

CERTIFICATION

I certify that the Annexes are true copies of the documents referred to and that the translations provided are accurate.

Dr. Yeghishe Kirakosyan
AGENT OF THE REPUBLIC OF ARMENIA
28 SEPTEMBER 2023

