

# The Situation of Refugees after the 44-Day War on the Karabakh Region



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## Preamble

By 2020, there were more than 79.5 million refugees worldwide, who have fled armed conflict, persecution, and violence, including about 26 million refugees who have fled the armed conflict. This number also includes about 45.7 million internally displaced people, 4.2 million asylum seekers, and 3.6 million refugees from Venezuela. The statistic does not include environmental or climate refugees who have been pushed by climate changes such as changing weather temperatures and disasters such as floods to leave the areas they inhabit, whether to other areas within their countries or other countries.

The United Nations worked in 1951 to establish a convention on the status of refugees to ensure their protection and give them a set of inalienable asylum rights in the country because the main reasons for asylum lie in armed conflicts, violence, and infighting. A refugee is someone unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion; according to the Convention. By the end of 2020, Azerbaijan created a new wave of refugees when it launched a war to control the Karabakh region and its surroundings. During the war, Azerbaijan violated international humanitarian law; it has deliberately targeted civilian objects, which led to the killing of many civilians in their homes, and has also illegally arrested, tortured, and killed civilians.

In addition, Azerbaijani forces target infrastructure such as electricity and water networks to drive the population out of their country. Because of all these factors, about 100,000 civilians, mostly children, women, and adults fled to Armenia, fearing for their lives. Most of these people had left all their possessions behind in pursuit of survival. And upon their arrival in Armenia, they experienced another shock as it was unable to accommodate such a population. They were sheltered in factories and schools, which led to the spread of the epidemic among them. The high cost of basic needs has hindered the fulfillment of their needs; so many of them were forced to rely on humanitarian aid. Due to Azerbaijan's control over many areas, many of them became permanent refugees in Armenia. Thus, this report aims to shed light on the suffering and difficult conditions left by the conflict in the territory of

Artsakh on the refugees and the violations committed by the Azerbaijani forces to force the population to flee and seek refuge in Armenia.

**First: How did Azerbaijan create a wave of refugees?**

Azerbaijan caused population displacement by:

### **1. Targeting civilians and civilian objects**

Many residents of Artsakh were displaced due to the targeting of civilian objects and populated cities by Azerbaijani forces. Azerbaijani forces documented nine raids on towns and villages in Karabakh and one in Armenia. It attacked more than 130 civilian settlements, including densely populated settlements. Airstrikes, artillery, missiles, and tanks carried out these attacks. During these attacks, Azerbaijan did not respect the principle of differentiation between civilian and military targets. Some attacks targeted civilians as military objectives were too far from civilian objects. These attacks have resulted in at least 52 civilians deaths; it killed most of them in their homes. Among the civilian casualties was Arkady Lalayal, 69, who was killed while standing on the balcony of his third-floor apartment on Alek Manukian Street in Sipanakert, hit by shrapnel from a missile that exploded in the building's garden.

Some strikes have been carried out using inherently indiscriminate weapons, such as 122mm Grad rockets and internationally banned cluster munitions. Cluster munitions have been used in residential areas, ignoring the security of civilians and the principle of distinction between civilians and combatants. In these residential areas, no military operations were found. And these munitions were used in an attack 200 meters from the Red Cross office in Stepanakert. In addition, in many cases, these munitions do not explode and become mines, which can explode if a person approaches them. About 80% of the victims of these unexploded ordnances are civilians, and most of them are children<sup>1</sup>. Their

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<sup>1</sup> Demining(2017).<https://web.archive.org/web/20170903114920/http://www.un.org/en/sections/issues-depth/demining/index.html>

small size, unusual shape, and colors make them look like toys and attract children. Also, children are constantly playing in the street, so the probability of encountering unexploded ordnance is high. That leads to various deformities in children, as loss of limbs, blindness, deafness, and injuries to the genital area<sup>2</sup>. These munitions are considered an obstacle to the return of the displaced and development. Indeed, some of these munitions did not explode and prevented the movement of civilians. The munitions that were found were filled with sand until the arrival of relief teams<sup>3</sup>. But there are still many munitions that have not yet been found.

The Azerbaijani forces deliberately targeted installations important for the population's survival to force them to flee and seek refuge. They targeted the headquarters and control center in Artsakh, which provides electricity to the city and the region. They also targeted local power stations in Stepanakert, local power stations in other towns and villages, and many electricity networks. As a result, more than ten stations were destroyed or severely damaged. The Azerbaijani armed forces also deliberately bombed several hydropower stations in the depths of the country to stop electricity production<sup>4</sup>.

In the same context, Azerbaijan also targeted water stations and pipelines. These strikes represented an existential threat to the life and health of women, children, the elderly, and the entire population of Artsakh. They intentionally targeted central gas pipelines; as a result, all residents who use gas are deprived of heating and hot water<sup>5</sup>. Preliminary studies indicated that the damages of these attacks were as follows: more than 7,800 buildings were damaged, such as residential homes, apartments, and shops, and more than 1,310 infrastructure and public buildings such as electricity, gas, communications, water supplies, bridges, schools, nurseries, cultural centers, and factories<sup>6</sup>.

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<sup>2</sup> [https://www.unicef.org/media/media\\_24360.html](https://www.unicef.org/media/media_24360.html)

<sup>3</sup> <https://www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh>

<sup>4</sup> <https://artsakhombuds.am/en/general-report?fbclid=IwAR3JGOg9DT9vYGrGpHCjWQJ9DEgylipxo75IUv4dLyHHMEFHj3kfE5dtVWM>

<sup>5</sup> <https://artsakhombuds.am/en/general-report?fbclid=IwAR3JGOg9DT9vYGrGpHCjWQJ9DEgylipxo75IUv4dLyHHMEFHj3kfE5dtVWM>

<sup>6</sup> <https://artsakhombuds.am/en/general-report>

In clear violation of international humanitarian law, the Azerbaijani forces killed 31 civilians while they were in captivity. They were illegally arrested, tortured in prisons, and killed without trial. An example of this is Eduard Shahkeldyan, who stayed in Kobach after the outbreak of the war. The Azerbaijani forces captured him; then, he died of torture in prison. His death certificate lists blunt brain injury, brain swelling, and acute disorder of vital brain function as the causes of his death. And Arsen Gharakhanyan, the Azerbaijani authorities arrested him during the war and later found him shot in the head<sup>7</sup>. Likewise, Yuri Adamyan remained in the village of Tyak after the invasion of Azerbaijani forces. He and one of his workers were arrested by Azerbaijani soldiers and executed between 12 and 15 October, and the video was circulated on Azerbaijani social media<sup>8</sup>.

These acts constitute a violation of customary laws and international humanitarian law, as targeting energy facilities such as electricity, gas, and water leads to disruption of the lives of civilians. The lack of heating in the winter will affect the most vulnerable groups. And the lack of water supply will lead the population to search for other sources of water that may be polluted, or displace them in search of water resources. The targeting of civilian objects such as homes, schools, and shops will lead to the displacement of residents in search of a safe life. **According to Article 54, Paragraph (2) of Additional Protocol I, it is prohibited to target installations important for the population's survival. Also, according to Article 48 of Additional Protocol I, targeting civilian objects is prohibited. Also, Customary Rule 90 prohibits torture and cruel treatment and applies the Convention against Torture in war situations. According to Article 9, Paragraph (1) of the International Covenant on Civil and Political Rights, no one may be arbitrarily arrested, and Common Article 3 prohibits the killing of civilians.**

Because of the targeting of houses and facilities, civilians took shelter in hideouts and churches, but Azerbaijan targeted civilians hiding in churches. An attack was observed on the Holy Ghazanchotsut

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<sup>7</sup> Armenian civilians tortured by Azerbaijani soldiers, survey suggests desire for new political party. (2021). <https://armenianweekly.com/2021/03/17/armenian-civilians-tortured-by-azerbaijani-soldiers-survey-suggests-desire-for-new-political-party/>

<sup>8</sup> <https://artsakhombuds.am/en/document/785>

Cathedral. Although Azerbaijan knew that there were children, women, and elderly people in the basement of the cathedral, it did not care about the presence of civilians in the church.

It deliberately directed two strikes using high-precision missiles, even though the church was not used in military operations, there no military targets nearby, which made many residents flee to Armenia. Losaber, who works as a teacher in the Artsakh region, says that the severe attack by the Azerbaijani forces had effects on children and women. That forced many of them to migrate to Armenia, which happened with my sister and her children<sup>9</sup>. Also, Azerbaijan's attacks on electric power stations led to power cuts for a long time. The attacks brought down the roof of her house and the basement, which she is hiding with her family, so she fled<sup>10</sup>. In addition, the arrest, torture, and killing of civilians led to the displacement of the population. Margarita Karamian was displaced from Hadrot after she saw a video on social media showing that Azerbaijani soldiers had executed two of her neighbors within meters of her house<sup>11</sup>. These conditions led to the displacement of children and their families to safer places.

## **2. Forced displacement**

Armenian citizens have been forcibly displaced due to the arbitrary manner in which post-ceasefire borders are set. In addition to parts of Karabakh, the November 9 agreement transferred seven regions surrounding the republic to Azerbaijan. Azerbaijani officials used Google Maps to make the demarcation. A narrow road divided the cities into an Armenian part and an Azerbaijani part, which led to the fall of many Armenian houses and shops in Syunik Province on the Azerbaijani side. The Azerbaijani authorities demanded their right to these properties. And they sent soldiers to inform the residents of the need to leave their lands and homes as they want to change the demographic composition of these areas.

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<sup>9</sup> <https://www.agbu.org/voicesoftruth/en/single/lusaber>

<sup>10</sup> <https://www.agbu.org/voicesoftruth/en/single/lusaber>

<sup>11</sup> 'This Is A Different War': Nagorno-Karabakh Refugee Shudders At Video Showing Neighbors' Execution(2020).<https://www.rferl.org/a/nagorno-karabakh-refugee-execution-video/30921794.html>

As a result of these operations, residents lost their homes and hundreds of acres of farmland. In Syunik County, a man had his home and farm divided between the two states. Shornoch village Chief Hagop Arshakian said 12 families - including 37 people - had been displaced, and those people had lost their property forever<sup>12</sup>. Forced displacement is a violation of international humanitarian law, which it defines as “the forced and unlawful eviction of a group of individuals and populations from the land on which they reside.” It is a practice associated with purification and arbitrary coercive measures, carried out by governments or groups intolerant towards a particular ethnic or religious group, and sometimes against many groups to vacate certain lands to an alternative elite or a class. The four Geneva Conventions of August 12, 1949, and their 1977 protocols, also defined war crimes as violations of the rules established in the matter of forced displacement. Article 49 of the Fourth Geneva Convention of 1949 prohibits the forcible mass or individual transfer of persons or their deportation from their areas of residence to other lands, except if this is in their interest; to spare them the risks of armed conflict. And customary rule No. 129 forbids the forcible transfer of civilians in an occupied area unless the security of the civilians concerned requires it or for urgent military reasons<sup>13</sup>. Also, Article 7-1-d of the Rome Statute of the International Criminal Court criminalizes deportations or forcible transfers. It states that “the deportation of the population or the forcible transfer of the population, when committed as part of a widespread or systematic attack directed against any civilian population, constitutes a crime against humanity.” Under Articles 6, 7, and 8 of the Rome Statute, “unlawful deportation or transfer” constitutes a war crime. And the article on the prohibition of the transfer of people from their areas is part of customary international humanitarian law.

### **3- Azerbaijan’s control over the areas during and after the war:**

During the war, Azerbaijan controlled areas of the Karabakh Region, including Hadrut Province, the city of Shushi and dozens of other communities. When Azerbaijan was approaching to control such

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<sup>12</sup> Manya Israyelyan(2021). Armenians Displaced By Post War Demarcations.  
<https://reliefweb.int/report/armenia/armenians-displaced-post-war-demarcations>

<sup>13</sup> Rule 129. The Act of Displacement <https://bit.ly/3wMP0Ku>

areas, the residents fled. Alexander Simonyan, a gymnastics teacher in Shushi, said that there are no Armenians right now in Shushi, which was the second largest city in Artsakh. Moreover, and following the war, the November 9 Nagorno-Karabakh Ceasefire Agreement transferred seven districts to Azerbaijan which are Agdam, Fuzuli, Jabrayil, Zangilan, Qubadli, Kalbajar and Lachin. Before such districts were handed over to Azerbaijan, the Armenians collected and packed their properties to leave and they bid farewell to their homes and churches. Some of them dug up the bodies of their relatives as they did not want to leave them behind in fear of Azerbaijan's desecration of graves.<sup>14</sup>

Notably, the people of Kalbajar, numbering about 3500 individuals, are originally migrants from the city of Baku who fled to the city following the massacres by the Azerbaijani forces before the fall of the Soviet Union<sup>15</sup>. As such, they were scared of being under the control of the Azerbaijani forces once again, and thereby chose to migrate to Armenia.

## **Second: The situation of refugees in Armenia**

Refugees in Armenia suffer from poor conditions and lack of services, as about 100,000 Armenians who fled from the ravages of war have sought asylum in Armenia. For example, about 200 people, mostly children, live in a diamond-cutting factory. Anna Osipyanyan and her two grandchildren live there in the factory and sleep in the same bed, while her daughter has been infected with the Covid-19 virus after migrating to Armenia<sup>16</sup>. Several Armenians, particularly the displaced persons, suffer from the risk of Coronavirus infection, as those displaced are crammed in narrow strips in large numbers without any tools for protection from the risk of infection, such as alcohol and masks, thereby increasing the risk of infection. Several cases of displaced persons' cramming were monitored; for instance, a group

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<sup>14</sup> Anger, Fear and Sorrow Consume Armenians Leaving Land Returned to Azerbaijan(2020).<https://www.wsj.com/articles/anger-fear-and-sorrow-consume-armenians-leaving-land-returned-to-azerbaijan-11606059000>

<sup>15</sup> Armenia Is Still Grieving(2021).<https://foreignpolicy.com/2021/04/24/armenia-azerbaijan-war-nagorno-karabakh-aftermath/>

<sup>16</sup> In Armenia, War Refugees Sleep Rough in the Diamonds(2020).<https://www.usnews.com/news/world/articles/2020-10-27/in-armenia-war-refugees-sleep-rough-in-the-diamonds>



of six people, including two children and four adults, were found living in a room of 12 square meters with only two beds and there was no heating in this room given the constant power outage.<sup>17</sup>

Since the beginning of the war, the daily cases infected with Covid-19 has increased eightfold in Armenia due to the large number of displaced persons<sup>18</sup>. Such increase in cases has led to the breakdown of the medical system in Armenia; for example, the number of Corona patients has exceeded the number of hospital beds, owing to the large number of those displaced from Karabakh. Another example is the town of Tsaghkadzor located in Kotayk Province with a population of 1100 people and only one doctor responding to their needs. However, after the war, he is forced to respond to the needs of 2500 displaced persons<sup>19</sup>. Moreover, those displaced are in need of health care given the injuries they sustained while living in war zones as well as their chronic diseases. One of the displaced persons said that most of them suffer from health problems due to the war's mental and physical impacts on them.<sup>20</sup>

It was also reported that the purchase of medicines for people with chronic diseases, such as diabetes and hypertension, is expensive, in addition to the mild health care of pregnant women as there are no obstetricians or midwives<sup>21</sup>. Karine, a 64-year-old refugee at the kindergarten, said that she has high cholesterol, arthritis and hypertension and that she could barely walk and her right hand is always numb. She also said that she was diagnosed with an intervertebral hernia but could not receive treatment as the war broke out<sup>22</sup>.

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<sup>17</sup> <https://reliefweb.int/report/armenia/thousands-children-flee-conflict-nagorno-karabakh-continues-escalate>

<sup>18</sup> War in the time of COVID-19: humanitarian catastrophe in Nagorno-Karabakh and Armenia(2020).[https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30510-6/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30510-6/fulltext)

<sup>19</sup> <https://reliefweb.int/report/armenia/health-issues-emerge-top-concern-among-nagorno-karabakh-refugees-arme>

<sup>20</sup> Health Issues Emerge as Top Concern Among Nagorno-Karabakh Refugees in Armenia(2020).<https://www.projecthope.org/health-issues-emerge-as-top-concern-among-nagorno-karabakh-refugees-in-armenia/12/2020/>

<sup>21</sup> Health Issues Emerge as Top Concern Among Nagorno-Karabakh Refugees in Armenia(2020).<https://www.projecthope.org/health-issues-emerge-as-top-concern-among-nagorno-karabakh-refugees-in-armenia/12/2020/>

<sup>22</sup> Health Issues Emerge as Top Concern Among Nagorno-Karabakh Refugees in Armenia(2020).<https://www.projecthope.org/health-issues-emerge-as-top-concern-among-nagorno-karabakh-refugees-in-armenia/12/2020/>

These displaced persons have left all of their belongings such as cloth and money while fleeing from Artsakh. Consequently, the Armenian government ordered the hotels to host the migrant families and has also taken some actions so that the people of Goris could donate food, clothing and other basic materials needed by the families from Artsakh. One hotel manager said that the displaced persons are in need of health care, as they are under emotional and physical stress. He also added that children-who constitute a large number of those displaced- suffered from trauma and they are in need of care and support more than the hotel can offer. According to international reports on children who fled from the violence in Nagorno-Karabakh to Armenia, those children suffer from anxiety, depression and insomnia. One of those children said that he was afraid in Artsakh and that he awaits his father's safe return because he is worried and misses him so much. Another child said the he is feeling good in Yerevan, but he wants to go to Stepanakert because he misses his father and his grandparents.

During the war, many children lost their parents and they are waiting all day to hear any news about them. Thus, any news about the loss of their families will come with a great shock to these children. According to a field report by the International Humanitarian Law Unit at Maat, the owner of a residential building hosting these children said that some of these children cry at the mention of their parents' names, while others are afraid of loud voices.

Moreover, the war also led to the separation of children from their families, as parents gave their children to members of their extended families so they could take them to Armenia. For example, a grandmother with 14 children arrived at Armenia<sup>23</sup>. Apart from the psychological pain, they also suffer from physical pain, as unaccompanied children were in desperate need of warm clothes and blankets, especially with the onset of winter at this time. The team also found that such children have limited access to health services and toiletries<sup>24</sup>.

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<sup>24</sup> <https://reliefweb.int/report/azerbaijan/nagorno-karabakh-fighting-leaves-children-who-fled-conflict-distress>

Several displaced persons also suffered from extreme cold owing to the coincidence of their displacement with the onset of winter where the temperatures significantly drop in Armenia. As a result, a large number of residents suffered from extreme cold, particularly because wood is more expensive in Armenia than Artsakh. Furthermore, displaced persons do not have enough money to buy wood for heating purposes, which promoted some organizations to provide heating assistance to 500 families. However, there are many residents who still have not received any assistance owing to the large number of the displaced persons<sup>25</sup>. Other places hosting the displaced persons such as schools and kindergartens are also ill-equipped to be an adequate housing for them.

Following the agreement between the Armenian and the Azerbaijani authorities, about 50,000 people returned to Artsakh. Meanwhile, residents of the areas controlled by Azerbaijan after the war and of the areas it took over under the November 9 Nagorno-Karabakh Ceasefire Agreement, number about 40,000 people, became permanent refugees and they lost all of their properties and jobs. One of the displaced persons from Kalbajar said that during the 1990s, he went to Kalbajar and rebuilt the house he was living in, as it was destroyed owing to the war in the 1990s and he said that his six children were killed during the last war and he does not know what to do now<sup>26</sup>. Another case is Ani Hayrapetyan who ran a children's entertainment business in Shushi but lost the place after Azerbaijan took control of the area. She said that she was subjected to hatred from one of the residents in Armenia, as he said, "If you have one drop of patriotic blood in your body, and go back to Karabakh. Our soldiers died for you."<sup>27</sup>

In addition, the Azerbaijani President will not allow the Armenians to go back to the areas that were captured during the war. He said, "All visits must stop. No foreign citizen can enter that area

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<sup>25</sup> KEEPING ARMENIA'S DISPLACED WARM DURING THE WINTER(2021).<https://www.clovekvtisni.cz/en/keeping-armenias-displaced-warm-7774gp>

<sup>26</sup> Armenia Is Still Grieving(2021).<https://foreignpolicy.com/2021/04/24/armenia-azerbaijan-war-nagorno-karabakh-aftermath/>

<sup>27</sup> Nagorno-Karabakh refugees see little chance of returning home after peace deal(2020).<https://www.politico.eu/article/nagorno-karabakh-refugees-see-little-chance-of-returning-home-after-peace-deal/>

without our permission. No international organization except for the Red Cross can go there<sup>28</sup>.” Given that a large number of the residents have become permanent refugees in Armenia, such residents must be integrated into the Armenian community so that they can live a life of dignity.

The displaced persons also suffer from legal problems, as the Republic of Artsakh is not internationally recognized as an independent state. The Armenians displaced from Artsakh during the war are not protected under the international refugee law. Moreover, they do not hold the position of an internally displaced persons because they are considered citizens of Artsakh upon entry to Armenia. Furthermore, the Armenian government seek to address such issue by granting those displaced from Artsakh similar rights such as those given to refugees and asylum-seekers under the Armenian Law. They do not have the right to return to their home granted to them under the Refugee Convention because they are not classified as refugees. Additionally, if any displaced person from Artsakh wants to seek refugee outside Armenia, he/she will not be able to do so because he/she will not be classified as a refugee.<sup>29</sup>

### **Conclusion:**

During the war, Azerbaijan deliberately targeted civilian objects and the infrastructure coupled with unlawful indiscriminate arrests of civilians as well as torturing and killing them, leading to the displacement of about 100,000 people to Armenia. Those people have suffered because of the overcrowding in places of refuge and the lack of basic needs, resulting in the Coronavirus outbreak among refugees. Moreover, they are in need of medical care and therapy given the mental illness they developed because of what they experienced during the war. They are also in need of medicines for chronic diseases, most of which are expensive. Owing to the post-war transfer of 7 districts to Azerbaijan and its control over some parts of Karabakh during the war, about 40,000 people have

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<sup>28</sup> Unfinished Business in the Armenia-Azerbaijan Conflict(2021).Unfinished Business in the Armenia-Azerbaijan Conflict

<sup>29</sup> Displaced Armenians of Artsakh receive aid, but no status(2021).<https://armenianweekly.com/2021/01/27/displaced-armenians-of-artsakh-receive-aid-but-no-status/>

become permanent refugees but they cannot obtain the refugee status because the Republic of Artsakh is not internationally recognized.

**Accordingly, the International Humanitarian Law Unit at Maat recommends the following:**

- 1- Putting pressure on the Azerbaijani government to stop the violations against the residents of Artsakh Region and holding it accountable for its crimes during the period of conflict.
- 2- Sending humanitarian aid to the displaced persons in Armenia.
- 3- Helping the Armenian government in dealing with the displaced persons.
- 4- Sending aid to Artsakh for the sake of re-establishing the infrastructure and installations destroyed during the war.
- 5- Permanently integrating the displaced persons into the Armenian community.
- 6- Resolving the legal status of Armenian refugees by the United Nations High Commissioner for Refugees (UNHCR).