

Violations of International Humanitarian Law by Armenia in the Second Karabakh war

Dr. Nizami Safarov* and Dr. Najiba Mustafayeva**

The most recent large-scale military provocation of Armenia against Azerbaijan on September 27, 2020, was responded to by the Azerbaijani side with a successful counteroffensive operation that culminated with Armenia's capitulation and the restoration of the territorial integrity of the Republic of Azerbaijan. This commentary discusses international crimes committed by Armenia during the recent fighting, dubbed the Second Karabakh War. As will be shown, Armenia intentionally and systematically targeted Azerbaijani civilians through the delivery of missile and bomb strikes on cities situated outside of the war zone as well as using prohibited weapons in severe violation of international humanitarian and human rights laws. Armenia also recruited children to participate in military operations against Azerbaijan. The authors provide a legal analysis of these international crimes and examine existing international mechanisms establishing the international criminal responsibility of the Armenian political-military leadership for the violation of international humanitarian law and international human rights law.

Keywords: Armenia, Azerbaijan, conflict, international crimes, war crimes, terrorism, humanitarian law



* **Dr. Nizami Safarov** is member of Parliament (Milli Mejlis) of the Republic of Azerbaijan.

** **Dr. Najiba Mustafayeva** is expert on International Law and Human Rights

Introduction

The conflict between Armenia and Azerbaijan started at the end of the 1980s, following Armenia's territorial claims on Azerbaijan's internationally recognized territory, the Nagorno-Karabakh region, and, in parallel, the systematic expulsion of ethnic Azerbaijanis from the Armenian SSR. The conflict gradually evolved into a full-scale war and, during the period 1992–1993, considerable territories of Azerbaijan fell under Armenian occupation, including the Nagorno-Karabakh region and seven adjacent districts. In 1993, the United Nations Security Council (UNSC) adopted four resolutions (822, 853, 874, and 884) demanding the immediate, complete, and unconditional withdrawal of Armenian military forces from the occupied Azerbaijani territories. Despite the legally binding nature of the UNSC resolutions, they remained unimplemented for almost three decades.

Since 1992 the OSCE has engaged in efforts to reach a peaceful settlement of the conflict through a specially created institute, the OSCE Minsk group, co-chaired by the United States of America, France, and the Russian Federation. By ignoring diplomatic efforts for the resolution of the conflict, the policy of the Armenian side vividly testified to its intention to secure the occupation of the Azerbaijani territories that it had captured through military force and in which it had carried out ethnic cleansing on a massive scale.¹ The destructive position of the Armenian side and the political unwillingness of the co-chair states led to a situation in which the political process had stalled. Interested as it was

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in preserving the status quo through the continuation of the military occupation of Azerbaijani territories and prolonging the conflict resolution process, Armenia undertook military provocations against Azerbaijan throughout the 30 years of the conflict, as a result of which Azerbaijani civilians were killed and injured.

The most recent provocation by Armenia (since the four-day April 2016 skirmishes that began with a deliberate offensive by Armenia and ended with a counteroffensive by Azerbaijan) was committed in July 2020 in the direction of the Tovuz region of the Azerbaijan–Armenia international border, where Armenia attempted to create a new period of tension

1 Ministry of Foreign Affairs of Azerbaijan, "The Report on the Illegal economic and other activities in the occupied territories of Azerbaijan," 2016, available at: mfa.gov.az/files/file/MFA_Report_on_the_occupied_territories_March_2016_1.pdf (accessed: November 15, 2020)

and involve third states in this conflict.² Following this event, in August 2020,³ Armenia sent the sabotage-reconnaissance group to the (now former) line of contact separating Azerbaijani and Armenian forces in the occupied territories in order to commit terrorist acts against the Azerbaijani civil population as well as attacking Azerbaijani military personnel. As President of the Republic of Azerbaijan, Ilham Aliyev, suggested, “Armenia [was] preparing for war.”⁴

Thus, on September 27, 2020, Armenian armed forces once again subjected the positions of Azerbaijani armed forces to intensive shelling from large-caliber weapons, mortars, and artillery installations along the entire length of the front line, including the human settlements situated in the front-line zone.⁵ Guided by the right to self-defense provided by the article 51 of the United Nations Charter, Azerbaijan launched a counter-offensive operation, as a result of which four of seven adjacent districts (Fuzuli, Jabrail, Zengilan, Gubadli), as well as the historic city of Shusha with its sacramental value for the Azerbaijani people, were liberated from Armenian occupation by the Azerbaijani army during 44 days of military operations. On November 10, 2020, a statement implementing a complete ceasefire and a cessation of hostilities in the conflict zone was signed by Azerbaijani President Ilham Aliyev, Russian President Vladimir Putin, and Armenian Prime Minister Nikol Pashinyan, thus ending the Armenia–Azerbaijan war with Armenia’s capitulation and its further withdrawal from the Azerbaijani districts of Kalbajar, Agdam, and Lachin.

From the beginning of the recent escalation, the Armenian side intentionally targeted the Azerbaijani civilian population in cynical violation of the norms and principles of international humanitarian and human rights laws. Armenia targeted civilian settlements in the Azerbaijani cities of Ganja, Mingachevir, Goranboy, Tartar, Barda,

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2 Ministry of Defense of Azerbaijan, “The units of the armed forces of Armenia committed a provocation in the Tovuz direction of the front,” July 12, 2020, available at: <https://mod.gov.az/en/news/the-units-of-the-armed-forces-of-armenia-committed-a-provocation-in-the-tovuz-direction-of-the-front-31441.html> (accessed: November 17, 2020)

3 Ministry of Defense of Azerbaijan, “The commander of the sabotage-reconnaissance group of the armed forces of Armenia taken prisoner,” August 23, 2020, available at: <https://mod.gov.az/en/news/the-commander-of-the-sabotage-reconnaissance-group-of-the-armed-forces-of-armenia-taken-prisoner-31949.html> (accessed: November 17, 2020)

4 News.az, *President Ilham Aliyev: Armenia is preparing for war*, September 25, 2020, available at: <https://www.news.az/news/president-ilham-aliyev-armenia-is-preparing-for-war> (accessed: November 20, 2020).

5 Ministry of Defense of Azerbaijan, “Armenian armed forces committed large-scale provocations along the entire length of the front,” 27 October 2020, available at: <https://mod.gov.az/en/news/armenian-armed-forces-committed-large-scale-provocations-along-the-entire-length-of-the-front-32311.html> (accessed: November 19, 2020)

and Shamkir that are situated fully outside of the war zone. These provocative and bloody acts were committed despite the announcement of a humanitarian ceasefire that was agreed during a meeting of the Azerbaijani and Armenian foreign ministers in Moscow, with the mediation of Russia, on and after October 10, 2020.

The intentional killings of Azerbaijani civilians committed by the Armenian political-military leadership on a periodical basis are war crimes and crimes against humanity: international crimes that the world community intended to eradicate, after the Nazi atrocities committed during the Second World War, through the creation of the United Nations. They vowed “never again” to allow the horrors of that war to be repeated in the history of mankind.⁶ Now, 75 years later as the world community celebrated the victory over fascism, Azerbaijani civilians were under attack from Armenian military forces that can be classified as international crimes, thereby threatening the international peace and security that humanity has sought to achieve through consideration of the tragic experience of the Second World War.

This paper will analyze the international crimes committed by Armenia against Azerbaijani civilians during the Second Karabakh war. The authors will provide a comprehensive legal assessment of these acts in the framework of international humanitarian law as well as through a comparative analysis of existing precedents in the international criminal courts.

War crimes committed by Armenia against Azerbaijani civilians

The end of the 19th and beginning of the 20th century was marked by the creation of the concept of war crimes through the codification of customary international law in the field of the law of armed conflict, today known as international humanitarian law. In 1899 and 1907, the Hague Conventions prohibiting the use of certain means and methods of warfare were adopted. These documents, along with the Geneva Conventions of 1949, address the issues of the conduct of warfare and war crimes. The latter are milestone international documents protecting people who do not take part in military actions and were adopted in order to limit the barbarity of war.

Notably, war crimes were the *corpus delicti* for the commission of

⁶ Mustafayeva, N., “Azerbaijani civilians are under Armenian military attacks: Time to live up to ‘never again’”, *Modern Diplomacy*, October 21, 2020, available at: <https://modern diplomacy.eu/2020/10/21/azerbaijani-civilians-are-under-armenian-military-attacks-time-to-live-up-to-never-again/> (accessed: November 21, 2020).

which German Nazis and Japanese military leaders were convicted by the Nuremberg and Tokyo international military tribunals, respectively, which were established after the Second World War. Since then, the international community has made several attempts to formulate a single, comprehensive definition of war crimes; in fact, the most recent of these found expression in the Rome Statute of the International Criminal Court (ICC) in the form of grave breaches of the 1949 Geneva Conventions, specifically through acts against persons or properties protected under these documents. Among these acts, Article 8(a) of the Rome Statute mentions willful killing, torture, or inhuman treatment; willfully causing great suffering or serious injury to body or health; extensive destruction and appropriation of property, not justified by military necessity; compelling a prisoner of war or other protected person to serve in the hostile state's armed forces; depriving such people of their rights of fair and regular trial; unlawful deportation; and the taking of hostages.⁷

Article 8(e) of the Statute addresses other serious violations of laws and customs applicable in international armed conflicts as war crimes, such as, among others, intentionally directing attacks against the civilian population as a whole or against individual civilians not taking direct part in hostilities; intentionally directing attacks against civil objects which are not military objects; intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread severe environmental damage; or attacking or bombarding cities, villages, and buildings that are undefended and not military objectives.⁸

Furthermore, it should specifically be mentioned that both the Geneva Conventions (and Additional Protocols to them) and Rome Statute of the ICC represent the codification of the norms of customary international law, meaning that the rules contained in them are legally binding for all states, regardless of their ratification by them.

Evidently, after the sad historical experience of the Second World War, the international community decided to unite its efforts to respond collectively to new threats to international peace and security. However, this intention has been shattered through the barbarian acts committed by Armenia against Azerbaijan's civilian population.

Thus, the second largest city of Azerbaijan, Ganja, came under heavy

⁷ International Criminal Court, Rome Statute of the International Criminal Court, Article 8, 1998, available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed: November 23, 2020)

⁸ Ibid.

The intentional killing of Azerbaijani civilians committed by the Armenian political-military leadership is a war crime, representing a cynical violation of the Hague Conventions of 1899 and 1907, as well as the Geneva Conventions of 1949, and, in particular, the Fourth Geneva Convention that urges the protection of civilians in wartime.

missile fire from the military forces of Armenia several times during the recent escalation; this resulted in the deaths of 26 civilians and injuries to more than 100. It is worth mentioning that the city of Ganja, with a population of 500,000, was located fully outside the battlefield. Armenian military forces used OTR-21 Tochka-U and SCUD-B/Elbrus ballistic missiles and chose the night hours to commit bloody atrocities against as many of the civilian population as possible.

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the protection of civilians in wartime.

Another Azerbaijani city, situated far away from the war zone, that was twice bombarded by Armenian missile attacks since the beginning of the recent phase of the war is the city of Barda. These atrocities, which involved using prohibited cluster munitions, resulted in the deaths of 21 civilians and injuries to more than 80. This fact was confirmed and condemned by Human Rights Watch and Amnesty International. Both organizations analyzed photos of cluster weapons remnants (“Smerch” cluster munition and “Smerch” parachute-retarded high-explosive fragmentation rockets) and made the following statement: “There’s a reason these brutal weapons are banned by an international treaty, and using them in a city center shows flagrant disregard for civilian life and international law [...] Armenia should immediately cease using cluster munitions or supplying them to Nagorno-Karabakh.”⁹ Amnesty International, which also verified pictures of fragments of 9N235 cluster munitions that were fired into the city of Barda by the Armenian army, declared that “the firing of cluster munitions into civilian areas is cruel and reckless, and causes untold death, injury and misery.”¹⁰

Despite the fact that Armenia is not a signatory to the Convention on Cluster Munitions (2008) that prohibits this type of weapons and

9 Human Rights Watch, “Armenia: Cluster Munitions Kill Civilians in Azerbaijan,” October 30, 2020, available at: <https://www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan> (accessed: December 2, 2020)

10 Amnesty International, “Armenia/Azerbaijan: First confirmed use of cluster munitions by Armenia ‘cruel and reckless’,” October 29, 2020, available at: <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/> (accessed: December 2, 2020).

demands their clearance, as well as assistance to victims, it is still bound by the rules of international customary law in the field of international humanitarian law as well as the Geneva Conventions (1949). Taking into account the widespread intangible consequences for, and enormous long-lasting damage to, the civil population, the use of such prohibited types of weapons also represents a mass and severe violation of international human rights law.

Furthermore, considering the fact that systematic targeting of the civilian population is a traditional tactic of the Armenian side, the recent bloody attacks are also legally assessed as crimes against humanity, which were prosecuted for the first time after the Second World War by the Nuremberg and Tokyo international tribunals, followed by the *ad hoc* tribunals for former Yugoslavia and Rwanda established by the UN Security Council at the beginning of the 1990s.¹¹ These international trials brought under international criminal responsibility, *inter alia*, crimes committed by individuals against humanity and widespread and systematic attacks against a civilian population.

According to statistics provided by the Prosecutor General's Office of the Republic of Azerbaijan on crimes committed by the Armenian Armed Forces against Azerbaijani civilians from 27 September 2020, 94 civilians were killed and more than 400 were injured. Among the civilians killed by Armenian missile attacks in residential areas outside of the war zone that had no military targets within them were 12 children.¹² These barbarian acts are vivid evidence of the cynical violation not only of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, but also the Convention on the Rights of Child, which is based on the principles of the UN Charter and supports the worldwide recognition of human dignity and human rights for all.

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11 The International Criminal Tribunal for the former Yugoslavia (ICTY), available at: <https://www.icty.org/>; The International Criminal Tribunal for Rwanda, available at: <https://unictr.irmct.org/> (accessed: December 18, 2020)

12 Prosecutor General's Office of Azerbaijan, "Latest news for 16.11.2020 - crimes committed against the civilian population of Azerbaijan," October 16, 2020, available at: <https://genprosecutor.gov.az/az/post/3212#gallery> (accessed: November 14, 2020).

Child soldiers in the Armenian armed forces

The barbarian act of child killing is not the only crime committed against children by the Armenian political-military leadership. Armenia also recruited children to participate in military operations against Azerbaijan in gross violation of international humanitarian and human rights law. The Ministry of Foreign Affairs of the Republic of Azerbaijan made an appeal to international intergovernmental organizations over this international crime following video material spread on social media that supplied well-defined evidence of this fact.¹³ It is noteworthy that this is not the first time that this practice has been applied by the Armenian political-military leadership. Thus, the “Child Soldiers Global Report” contains facts on the recruitment of children under 18 years old to the Armenian Armed Forces, as well as child involvement in military training and schools.¹⁴

Thus, by recruiting and using child soldiers Armenia has seriously violated the provisions of international treaties to which it is a party; acts that are, in fact, legally assessed as war crimes.

In fact, the participation of “child soldiers” in armed conflicts is, as well as being an illegal act, at the same time a confirmation of the inhuman nature of those war criminals who recruit minors into armed formations and incite them to actively participate in hostilities.¹⁵ Thus, by recruiting and using child soldiers Armenia has seriously violated the provisions of international treaties to which it is a party; acts that are, in fact, legally assessed as war crimes.

Considering the special vulnerability of children, the 1949 Geneva Conventions and the Additional Protocols to them contain a list of provisions that provide this category of people with legal protection. Furthermore, international humanitarian law prioritizes the protection of children in situations of armed conflict, providing both general and special protection. In particular, the latter is guaranteed by Article 77 of Additional Protocol I, according to which “children shall be the object of special respect and shall be protected against any form of indecent assault.” The Protocol obliges parties to the conflict to provide children “with the care and aid they require, whether because of their age or for

13 Ministry of Foreign Affairs of Azerbaijan, “Information of the Press Service of the Ministry of Foreign Affairs of the Republic of Azerbaijan,” October 27, 2020, available at: <https://un.mfa.gov.az/files/file/letters/Letter%20to%20UNSG%20on%20the%20use%20of%20child%20soldiers%20by%20Armenia%20A-75-553%20Eng.pdf> (accessed: November 17, 2020)

14 Refworld.org, “Child Soldiers Global Report 2001 – Armenia”; “Child Soldiers Global Report 2004 – Armenia,” available at: <https://www.refworld.org/docid/49880616c.html>; <https://www.refworld.org/docid/4988067924.html>, 2001, 2004, (accessed: December 9, 2020)

15 Safarov, N., “Ispolzovaniye detey-soldat v voorujennom konflikte – mejdunarodnoye prestupleniye,” *Inews.az*, October 26, 2020, available at: <https://1news.az/news/nizami-safarov-ispol-zovanie-detey-soldat-v-vooruzhennom-konflikte-mezhdunarodnoe-prestuplenie> (accessed: November 12, 2020)

any other reason.”¹⁶ Similar protection is also provided under Article 4(3) of Additional Protocol II.¹⁷ At this point it should be specifically mentioned that the Additional Protocols to the Geneva Conventions were the first international legal documents regulating situations relating to the participation of children in armed conflicts.

Thus, Additional Protocol I explicitly provided for the rule, contained in article 77(2), according to which “the Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities and, in particular, they shall refrain from recruiting them into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, the Parties to the conflict shall endeavor to give priority to those who are oldest.”¹⁸

A more categorical wording was included in article 4.3(c) of Additional Protocol II, according to which “children who have not attained the age of fifteen years shall neither be recruited in the armed forces or groups nor allowed to take part in hostilities.”¹⁹ Children directly involved in armed conflict are entitled to combatant status.²⁰ Under the additional protocols, child combatants under the age of 15 are entitled to more favorable treatment as they continue to enjoy the special protection afforded by international humanitarian law (Additional Protocol I, Art. 77(3); Additional Protocol II, Art. 4.3(d,1)).

Reference can also be made to Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (1999), according to which the use of children as soldiers is one of the worst forms of child labor. Thus, Article 3 of

16 International Committee of the Red Cross, “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts” (Protocol I), Article 77, June 8, 1977, available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8F7D6B2DEE119FBAC12563CD0051E0A2> (accessed: November 25, 2020).

17 International Committee of the Red Cross, “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 4(3),” June 8, 1977, available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=F9CBD575D47CA6C8C12563CD0051E783> (accessed: November 25, 2020)

18 International Committee of the Red Cross, “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), Article 77(2),” June 8, 1977, available at: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=8F7D6B2DEE119FBAC12563CD0051E0A2> (accessed: November 25, 2020)

19 International Committee of the Red Cross, “Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), Article 4.3 (c),” June 8, 1977, available at: <https://ihldatabases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=F9CBD575D47CA6C8C12563CD0051E783> (accessed: 27 November, 2020).

20 Safarov, N., *op. cit.*

the Convention completely prohibits forced or compulsory recruitment of children for use in armed conflicts.²¹ Armenia ratified this Convention in 2006 and bound itself by legal obligations to comply with its provisions, which have been blatantly violated by the Armenian political-military leadership.

Special provisions for the protection of children in situations of armed conflict are also included in the previously mentioned Convention on the Rights of the Child (1989) and the Optional Protocol to it (2000), dedicated to the involvement of children in armed conflicts. Thus, Article 38 of the Convention explicitly instructs States parties to take “all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities” (Article 38.2) and, in the case of recruitment among those persons “who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest” (Article 38.3).²²

A stricter approach than the Convention is followed by the Optional Protocol, which provides that “States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities.”²³ Furthermore, Article 2 of the Convention obliges state parties to “ensure that persons who have not attained the age of 18 years are not compulsorily recruited into their armed forces.”²⁴ In accordance with Article 4 of the Optional Protocol, “armed groups that are distinct from the armed forces of a State should not, under any circumstances, recruit or use in hostilities persons under the age of 18 years.”²⁵ Moreover, the Protocol binds state parties with the obligation “to take all feasible measures to prevent such recruitment and use, including the adoption of legal measures necessary to prohibit and criminalize such practices.”²⁶

21 International Labor Organization, “Convention (No. 182) concerning the prohibition and immediate action for the elimination of the worst forms of child labor, Article 3,” June 17, 1999, available at: https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 (accessed: November 26, 2020)

22 Office of the High Commissioner for Human Rights, “Convention on the Rights of the Child, Article 38.3,” November 20, 1989, available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (accessed: November 26, 2020)

23 Office of the High Commissioner for Human Rights, “Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,” May 25, 2000, available at: <https://www.ohchr.org/en/professionalinterest/pages/opaccrc.aspx> (accessed: November 26, 2020)

24 Ibid.

25 Ibid.

26 Ibid.

It should not be overlooked that the prohibition on the participation of children in hostilities that is applied in armed conflicts is established by the practice of states as a rule of customary international law. In his report on the establishment of the Special Court for Sierra Leone, the UN Secretary General explicitly stated that the provisions of Article 4 of Additional Protocol II have long been considered as norms of customary international law. Moreover, these illegal actions represent a type of war crime that gives rise to international criminal responsibility.

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In this respect, according to the Rome Statute of the International Criminal Court (ICC), among the illegal acts that, being grave breaches of the 1949 Geneva Conventions, constitute war crimes, is “conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities” (Article 8(2)(b)(xxvi)).²⁷

Notably, the first conviction by the ICC, on March 14, 2012, against Congolese militia leader Thomas Lubanga Dyilo, was related to “the war crimes of enlisting and conscripting children under the age of 15 years and using them to participate actively in hostilities” in the Democratic Republic of the Congo between July 2002 and December 2003.²⁸

Also worthy of mention is the Charter of the Special Court for Sierra Leone, which addressed the issue of war crimes in the recruitment of children under the age of 15 into armed forces or military groups and the use of them to participate actively in armed conflict, illegal acts which represent serious violations of international humanitarian law. The Charter defined these as falling within the criminal jurisdiction of this international tribunal, set up by the government of Sierra Leone and the United Nations.²⁹

One of the most significant cases before the Special Court was the case of the former President of Liberia, Charles Taylor, who was sentenced on May 30, 2012, to a 50-year-imprisonment sentence for war crimes committed during the 1991–2002 civil war in Sierra Leone. Moreover, the ex-president became the first former head of state since the World

27 International Criminal Court, “Rome Statute of the International Criminal Court,” 1998, available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed: November 29, 2020)

28 International Criminal Court, “The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06,” available at: <https://www.icc-cpi.int/drc/lubanga> (accessed: November 29, 2020)

29 International Humanitarian Law, “Agreement between the United Nations and the Government of Sierra Leone and Statute of the Special Court for Sierra Leone,” January 16, 2002, available at: <https://ihl-databases.icrc.org/ihl/INTRO/605?OpenDocument> (accessed: November 29, 2020)

War II to be convicted of war crimes, including the enlistment and conscription of children under 15 years of age into armed forces or groups and using them to participate actively in hostilities.³⁰

Legal precedents of this kind should be a strong signal to Armenian war criminals who recruit children as soldiers, since no official status or position in the state or military hierarchy is immune from criminal prosecution, which makes punishment inevitable.

Conclusion

By joining the Geneva legal instruments, Armenia undertook a legal obligation to comply with the Conventions in the fields of human rights and international humanitarian law, as well as their Protocols under any circumstances. However, as analyzed in this article, in practice there was a total violation of the entire set of rules enshrined in international humanitarian law.

Armenia intentionally and systematically targeted Azerbaijani civilians through the delivery of missile and bomb strikes on cities situated outside of the war zone, as well as using prohibited cluster munitions.

Furthermore, recruiting children into the military forces Armenia violates not only the Geneva Conventions but also landmark international human rights treaties such as the Convention on the Rights of the Child and its Optional Protocol, as well as Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of The Worst Forms of Child Labor.

The world community, which successfully achieved, in its comparatively recent history, a revolutionary shift from impunity to international accountability for international crimes, should today live up to its vow of “never again,” as innocent Azerbaijani people have suffered from the fascist conduct of the Armenian political-military regime. As discussed in this article, the legal precedents of international military tribunals are vivid evidence of the fact that the international community commands sufficient legal mechanisms to hold Armenian criminals accountable for the international crimes committed. In fact, the cost of impunity would be a threat to international peace and security, which mankind seeks to achieve through consideration of the tragic experience of human history.

30 Special Court for Sierra Leone, “The Prosecutor vs. Charles Ghankay Taylor,” available at: <http://www.rscsl.org/Taylor.html> (accessed: November 27, 2020)