



Norwegian Minister of Foreign Affairs Ine Eriksen Sørensen

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Norway should (in co-operation with other like-minded states) take an initiative to establish an international commission of inquiry for Nagorno-Karabakh

Dear Minister of Foreign Affairs Ine Eriksen Sørensen,

Extensive military operations are now underway in and around Nagorno-Karabakh, an enclave in Azerbaijan with a majority Armenian population. With Turkey involved on the side of Azerbaijan, and Russia with a military base in Armenia, the armed conflict between Armenia and Azerbaijan has the potential to develop into a regional war.

The numbers of military casualties and civilian victims are unclear, but there is no doubt that civilian targets have been hit in what appears to be disproportionate or arbitrary attacks and that war crimes may have taken place.

The Norwegian Helsinki Committee has been working in Armenia and Azerbaijan since shortly after the war between the two states ended in 1994. We have a network of partners among human rights groups and activists from both states.

The war ended with Armenian forces taking control of seven Azerbaijani districts around the enclave, creating a security buffer zone and a land connection to Armenia. Since the ceasefire came into force, however, it has been regularly broken and as recently as 2016, there was large scale fighting in the area.

The political negotiations under the Organization for Security and Cooperation in Europe (OSCE), known as the Minsk Process, are led by Russia, the United States and France, but have so far failed to bring peace. The UN Security Council passed four resolutions in 1993 urging cessation of hostilities, the withdrawal of military forces from occupied territories and support for the peace process, however the resolutions remain unimplemented to date.¹

In this sense, Nagorno-Karabakh resembles several other conflicts in the region of the former Soviet Union. In Georgia, Moldova and Ukraine there are areas with unresolved status outside state control, where human rights violations occur, and the threat of armed conflict remains (for more background and viewpoints, see the report: [Disputed Territories, Disputed Rights: How to address human rights challenges in Europe's Grey Zones](#)).

The armed conflicts in the former Soviet Union have been marked by grave violations of international law: human rights violations, war crimes and crimes against humanity. In the war in and around Nagorno-Karabakh in the 1990s hundreds of thousands of civilians were victimized, as the population itself was a target for the parties. This resulted in massacres and the exodus of more than a million people, who were forced to flee their homes.

A similar development cannot be ruled out today.

Since the beginning of the Nagorno-Karabakh conflict there has been a failure to enforce accountability for serious violations of international human rights and humanitarian law. In our view, impunity is a main driver behind the conflicts in the former Soviet Union. Impunity is why conflicts simmer for decades, and where the Caucasus differs from the warzones of the Balkans. When crimes are not punished, but result in political and financial dividends, the threshold for going to war is low.

A lasting peace must be built on accountability and justice.

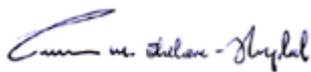
¹ UNSC Resolutions 822 (april 1993), 853 (juli 1993), 874 (oktober 1993) and 884 (november 1993).

A fundamental problem is that there is little credible information about what is happening in the war zone in and around Nagorno-Karabakh. Without thorough and unbiased documentation, it is difficult to know the extent of war crimes and abuses. It also becomes more difficult to deter new abuses if the parties believe they act under a cloak of invisibility. Ending impunity through accountability processes before local or international courts, or by the use of Magnitsky-type targeted sanctions against commanders and perpetrators, becomes more difficult to carry out.

The Norwegian Helsinki Committee consequently asks the Norwegian government to take the initiative to establish an international commission of inquiry, if possible, under the auspices of the OSCE or the Council of Europe, which can gather information and document possible international crimes. The EU established such a commission after the war between Georgia and Russia in 2008.² It gained importance when the International Criminal Court (ICC) opened an investigation into war crimes in 2016.

As a member of the UN Security Council from 2021, Norway can also propose referring the armed conflict in and around Nagorno-Karabakh to the ICC if there are reasonable grounds to believe that international crimes have been committed and the parties are unable or unwilling to investigate. Neither Armenia nor Azerbaijan has ratified the Rome Statute of the ICC, which gives ICC jurisdiction, but according to Article 13(b) of the Statute), “A situation in which one or more of such crimes appears to have been committed” can be referred to the ICC Prosecutor by the Security Council.

Best regards,



Gunnar M. Ekelove-Slydal
Acting Secretary General

² EUROPEAN UNION COUNCIL DECISION 2008/901/CFSP of 2 December 2008 concerning an independent international fact-finding mission on the conflict in Georgia, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:323:0066:0066:EN:PDF>