



INTERNATIONAL AND
COMPARATIVE LAW
CENTER - ARMENIA

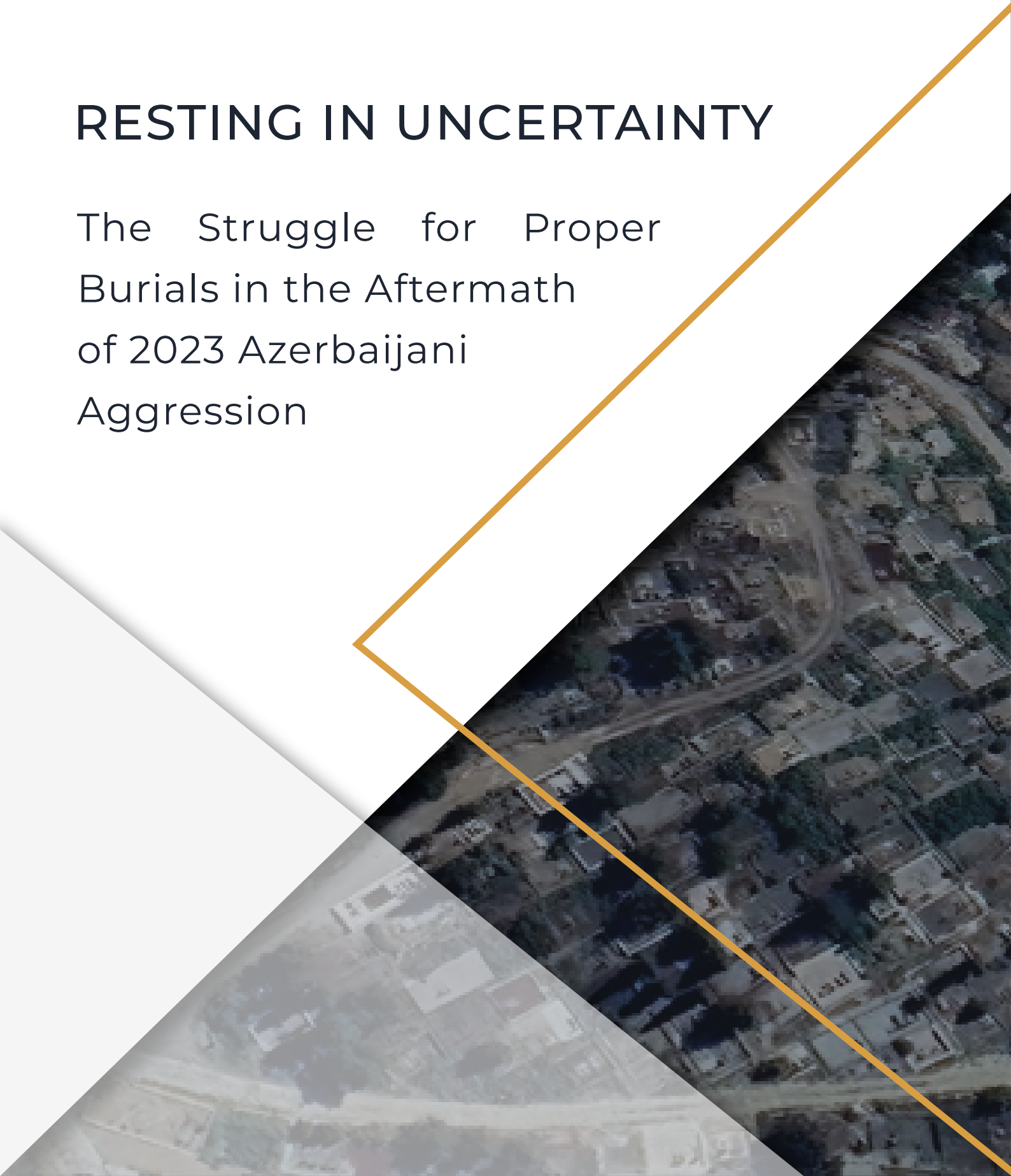


ARMENIAN
LEGAL
CENTER

FOR JUSTICE AND HUMAN RIGHTS

RESTING IN UNCERTAINTY

The Struggle for Proper
Burials in the Aftermath
of 2023 Azerbaijani
Aggression



I. CONTEXTUAL INFORMATION

The large-scale military offensive on the Republic of Nagorno-Karabakh/Artsakh and its ethnic Armenians, on September 19, 2023, resulted in hundreds of deaths, including civilians,¹ and the forced deportation of over 120,000 ethnic Armenians from the region.² Leading up to the offensive, the ethnic Armenian population of Nagorno-Karabakh was subjected to starvation and inhumane suffering as a direct consequence of Azerbaijan's blockade of the Lachin corridor. The blockade, first imposed on December 12, 2022, deprived the population of basic resources (e.g., food, fuel, and medicine), as well as obstructing their freedom of movement given that the corridor is the only road connecting Nagorno-Karabakh to Armenia.³ Despite pressure and direct calls from the international community against Azerbaijan's blockade, such as the issuance of the European Court of Human Rights (ECtHR) decision on December 21 2022,⁴ and the order of the International Court of Justice (ICJ) on February 22, 2023,⁵ the blockade remained in effect for over nine months. Following Azerbaijan's military offensive on September 19, 2023, and subsequent occupation of the region, only then was the blockade lifted to facilitate the mass exodus of over 120,000 ethnic Armenians.

The egregious military attack and subsequent forced deportation of the ethnic Armenian population of the Nagorno-Karabakh region have been properly classified as ethnic cleansing. The European Parliament also recognizes this status, as indicated by their statement as of February 28, 2024, regarding the September 19, 2023, attack, wherein the European Parliament:

1. European Parliament Resolution B9-0397/2023 on the situation in Nagorno-Karabakh after Azerbaijan's attack and the continuing threats against Armenia (European Parliament) <https://www.europarl.europa.eu/doceo/document/B-9-2023-0397_EN.html> accessed 10 January 2025.

2. Human Rights Watch (HRW), Driven by Fear from Nagorno-Karabakh (HRW, 17 October 2023) <<https://www.hrw.org/news/2023/10/17/driven-fear-nagorno-karabakh>> accessed 10 January 2025.

3. Amnesty International, Azerbaijan: Blockade of Lachin corridor putting thousands of lives in peril must be immediately lifted (Amnesty International, 9 February 2023) <<https://www.amnesty.org/en/latest/news/2023/02/azerbaijan-blockade-of-lachin-corridor-putting-thousands-of-lives-in-peril-must-be-immediately-lifted/>> accessed 10 January 2025; United Nations, Lachin Corridor Must Be Reopened for Humanitarian Aid, Security Council hears (United Nations, 16 August 2023) <<https://press.un.org/en/2023/sc15384.doc.htm>> accessed 10 January 2025.

4. Armenia v. Azerbaijan (No.4) (Application No. 15389/22, European Court of Human Rights, 21 December 2022) <[https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7528728-10337270&filename=Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20\(no.%204\).pdf](https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7528728-10337270&filename=Interim%20measures%20in%20the%20case%20Armenia%20v.%20Azerbaijan%20(no.%204).pdf)> accessed 10 January 2025; Statement by the Committee on Legal Affairs and Human Rights on the obstruction of the Lachin Corridor (Council of Europe) <<https://rm.coe.int/statement-by-the-committee-on-legal-affairs-and-human-rights-on-the-ob/1680aaa6d8>> accessed 10 January 2025.

5. Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan) (International Court of Justice, 22 February 2023) <<https://www.icj-cij.org/sites/default/files/case-related/180/180-20230222-SUM-01-00-EN.pdf>> accessed 10 January 2025.



“Condemns the policies of aggression, including the pre-planned military attack of Azerbaijan against Nagorno-Karabakh; recalls that this attack follows months of organised starvation and isolation of the Armenians living in Nagorno-Karabakh through the blockade of the Lachin corridor; [...] is seriously concerned about the consequences on the civilian population which amount to de-facto ethnic cleansing [...]”⁶



Given the severe circumstances of the forced deportation, the families of those killed by Azerbaijan’s attack were denied the opportunity to arrange proper burials and services for their dead. The urgency of the situation, including the complications of attempting to bring the deceased through the patrolled Lachin corridor as they fled, forced families to forego delivering religious and ceremonial rights to their deceased loved ones to urgently place them in a temporary resting place. These provisional resting places, or makeshift “graves,” are far from adequate, as family members of the deceased placed the bodies of their loved ones in mass graves, unmarked plots in the vicinity of cemeteries, and their own yards—the only available alternatives to no burial at all under the given circumstances. As such immediate, provisional burial sites cannot be officially classified as proper graves, the recognition of the families’ rights to visit their deceased loved ones faces further difficulties. The aim of this document is to call for the protection of the legal rights of such families, inform the international community of the extent of this problem, and advocate for the return of the deceased’s exhumed bodies to their loved ones, upholding the dignity of their humanity as entitled under International Human Rights Law (IHRL). The data and images included in this report, unless otherwise specified, are primary sources directly provided by the families/loved ones of the deceased and verified upon acquisition. Information regarding forty-six cases of the temporary burials in Nagorno-Karabakh has been collected from identified respondents and individual records of each are maintained.

6. European Parliament resolution of 28 February 2024 on implementation of the common security and defense policy (European Parliament, P9_TA(2024)0105, 28 February 2024) <https://www.europarl.europa.eu/doceo/document/TA-9-2024-0105_EN.html> accessed 10 January 2025.

II. INTERNATIONAL HUMAN RIGHTS LAW APPLICATION

Azerbaijan is in violation of IHRL through its overt breach of Article 8 and Article 9 of the European Convention on Human Rights (ECHR), as pertaining to both positive and negative obligations imposed on the state in respect of private and family life, as well as freedom of religion. Azerbaijan, having ratified the ECHR in 2002, is legally compelled to uphold all entailed provisions.⁷ Through various decisions, the ECtHR has made it evidently clear that funeral rites fall within the scope of “private life” and “family life,” thus establishing the rights of families to proper burials of their loved ones.

European Convention on Human Rights, Article 8

- (1) *Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as*
- (2) *is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others*⁸

In various cases under the scope of this provision, the ECtHR has further established that this right to private and family life applies to the care of the deceased. The Court has ruled in favor of this broadened scope extended to the families of the reposed through, among others, establishing the following decisions as discussed below.

In *Lozovyye v. Russia*, No.4587/09, ECHR (2018), the ECtHR upholds the right of an individual to attend the funeral of a deceased member of the family, and refers to the existence of negative and positive obligations regarding the right of private and family life:

“ (§33) *“The Court further notes that various aspects of funeral rites fall within the scope of both “private life” and “family life” within the meaning of Article 8 of the Convention.*”

7. European Court of Human Rights (ECHR), Country Profile: Azerbaijan (ECHR, July 2024) <https://www.echr.coe.int/documents/d/echr/CP_Azerbaijan_ENG?utm> accessed 10 January 2025.

8. European Court of Human Rights (ECHR), European Convention on Human Rights <https://www.echr.coe.int/documents/d/echr/convention_ENG> accessed 10 January 2025.

“ (§34) *“In the light of its case-law on an applicant’s right to information concerning his or her private and family life, taken together with the case-law on the applicability of Article 8 to an individual’s ability to attend the funeral of a deceased member of the family[. .]”*”

“ (§36) *“The Court reiterates that although the object of Article 8 is essentially that of protecting an individual against an arbitrary interference by the public authorities, it does not merely compel the State to abstain from such interference. In addition to this primarily negative undertaking, there may be positive obligations inherent in an effective respect for private and family life.”*”

Given the urgency and circumstances of forced deportation, many families in the Nagorno-Karabakh region were deprived of the right to conduct a proper funeral service for their deceased loved ones. Azerbaijan’s attack and the corresponding mass exodus of ethnic Armenians rendered such families unable to deliver religious and ceremonial rites or secure a proper burial for the deceased. In this way, family members were unable to organize funerals for their loved ones, with family members thus prevented from paying respects to their loved ones. The forced deportation of ethnic Armenians from the region, at the hands of the Azerbaijani government, constitutes a violation of the state’s negative and positive obligations of Article 8. The families were prevented from delivering funeral rites to their deceased and Azerbaijan has made no attempts to remedy its standing violation.

In *Dražković v. Montenegro*, No. 40597/17, ECHR (2020), the Court found that a family member’s request to exhume the remains of their deceased relative for transference to a new resting place falls under the scope of Article 8:

“ (§48) *“Taking account of the broad scope of the concepts of “private and family life,” as interpreted within the context of Article 8 of the Convention, and the core principles that can be distilled from the case-law cited [. .] the Court now finds that a request by a close family*

9. *Lozovyye v. Russia* (Application no. 4587/09, ECtHR, 24 July 2018) <[4](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-182452%22]}> accessed 10 January 2025.</p></div><div data-bbox=)

relative, like the applicant in the present case, to exhume the remains of a deceased family member for transfer to a new resting place falls in principle to be examined under both aspects of this provision to the Convention.”¹⁰

”

In *Sabanchiyeva and Others v. Russia*, No. 38450/05, ECHR (2013), the ECtHR holds that interference of the state in refusing to return the deceased’s bodies to their loved ones constitutes a violation of the family’s Article 8 rights:

“ (§122) “[. . .] the Court notes that the authorities’ refusal to return the bodies of the applicants’ relatives [. . .] clearly deprived the applicants of an opportunity to organize and take part in the burial of their relatives’ bodies and also to know the location of the gravesite and to visit it subsequently.”¹¹

”

In *Solska and Rybicka v. Poland*, Nos. 30491/17 and 31083/17, ECHR (2018), the ECtHR holds that the treatment of the body of a deceased family member, the ability to attend the burial, and the subsequent right to pay respects at the grave are within the scope of Article 8:

“ (§14) “The above-mentioned case-law demonstrates that certain issues relating to the way in which the body of a deceased relative was treated, as well as issues regarding the ability to attend the burial and pay respects at the grave of a relative, have been recognized as coming within the scope of the right to respect for family or private life under Article 8.”¹²

”

In *Gülbahar Özer and Yusuf Özer v. Turkey*, No.64406/09, ECHR (2018), the ECtHR ruled that the authorities’ refusal to allow applicants to bury their children in graves of their own choosing and to disallow them to carry out usual burial rites constitutes a violation of their private and family life:

10. *Dražković v. Montenegro* (Application no. 40597/17, ECtHR, 9 September 2020)
<<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-202763%22%5D%7D>> accessed 20 January 2025.

11. *Sabanchiyeva and Others v. Russia* (Application no. 38450/05, ECtHR, 6 September 2013)
<<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-120070%22%5D%7D>> accessed 10 January 2025.

12. *Solska and Rybicka v. Poland* (Application nos. 30491/17 and 31083/17, ECtHR, 20 December 2018)
<<https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-186135%22%5D%7D>> accessed 10 January 2025.

“ (§27) “[. . .] the confiscation of the applicants’ children’s bodies by the soldiers, coupled with the authorities’ refusal to allow the applicants to bury their children in a graveyard of their own choosing and the applicants’ inability to carry out the usual burial rites, constituted an interference with the applicants’ “private life” and “family life” within the meaning of Article 8 of the Convention.” ”

Following its attack and capture of the region, Azerbaijan lifted the blockade to facilitate the rapid exodus of its ethnic Armenian population. The blockade leading up to the attack subjected the population to starvation and inhumane conditions, and further shelling of the civilian population on the day of the large-scale attack and corresponding mass deportation make it apparent that there is no safe return for the region’s ethnic Armenian population. These circumstances make it impossible for people to return to the temporary graves of their loved ones to arrange for proper burials and to pay respects. Despite their positive obligations under Article 8, Azerbaijan has refused to exhume and return the bodies of the named forty-six deceased per their loved ones’ request. This interference by the state of Azerbaijan, in defying families’ rights to bury their deceased in a proper manner, deliver funeral rites, and visit their graves constitutes a violation of Article 8.

In *Sargsyan v. Azerbaijan*, No. 40167/06, ECHR (2015), this case references the Azerbaijani Government’s acknowledgement of the applicability of Article 8, and the ECtHR conclusion that obstructing access of the applicant to his relatives’ graves constitutes a continued breach of IHRL:

“ (§248) “Regarding the applicability of Article 8, the Government accepted that access to a home or to the graves of relatives fell within the notions of “home” and “private life” and thus within the scope of Article 8. However, [. . .] they asserted that Article 8 did not apply where there was no longer a “persisting link” with the property concerned.” ”

“ (§249) “In so far as the applicant’s complaint related to the graves of his relatives, the Government observed, firstly, that he [. . .] had not submitted sufficient evidence to show that there were graves of his relatives [. . .]” ”

Even after this decision, Azerbaijan has blatantly violated the binding ruling, actively facilitating the destruction of villages, cemeteries, churches, and many other historic Armenian sites. The large-scale destruction as visible from satellite view is documented by the Caucasus Heritage Watch (CHW), with its latest monitoring reports in December 2023¹⁶ and June 2024.¹⁷ Since Azerbaijan's seizing of territories and eventual full control of the Nagorno-Karabakh region, as latest reported by CHW, regarding cemeteries alone: five were destroyed, five were damaged, and four are currently classified as threatened sites. The damage inflicted on official resting sites of deceased Armenians, in defiance of international law, is especially concerning for the families of the forty-six deceased who face even greater risk of desecration. As the nature of the situation deprived them of the ability to properly bury their deceased loved ones in a reserved place or set a gravestone to properly mark their resting place, it will be nearly impossible to monitor these sites (e.g., through organizations such as CHW), rendering them especially susceptible to defilement and destruction. Such destruction of the temporary burial sites of the deceased could occur at any moment. This poses the immediate risk that irreparable damage will be inflicted on the remains of the deceased, deepening the suffering of their families, and depriving them of their rights under Article 8 of the ECHR.

European Convention on Human Rights, Article 9

- (1) Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.*
- (2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.¹⁸*

16. Caucasus Heritage Watch (CHW), Monitoring Report #6 (CHW, December 2023)
<<https://indd.adobe.com/view/0da94550-19a5-4b85-a682-9666a644bb79>> accessed 10 January 2025.

17. Caucasus Heritage Watch (CHW), Monitoring Report #7 (CHW, June 2024)
<<https://indd.adobe.com/view/b1b54fc0-dce2-4eb0-ba83-eb728c49dd20>> accessed 10 January 2025.

18. European Court of Human Rights (ECHR), European Convention on Human Rights
<https://www.echr.coe.int/documents/d/echr/convention_ENG> accessed 20 January 2025.

In its related case-law, the ECtHR has affirmed that the right to freedom of religion, as protected under Article 9, includes the observance of funerary and ceremonial religious practices. Article 9 guarantees families the right to organize funerals for loved ones in accordance with their religious traditions and rites, as well as to observe visitation practices, which hold significant cultural and religious importance.

In *Polat v. Austria*, No. 12886/16, ECHR (2021), the Court held that the manner in which burials are carried out is an integral part of the religious rights of an individual:

“ (§51) *“The Court has previously held that the manner of burying the dead represents an essential aspect of religious practice and falls under the right to manifest one’s religion within the meaning of Article 9 §2 of the Convention (ECHR). Article 9 is therefore applicable to the applicant’s complaint [. . .] it had prevented her from burying her son in accordance with her beliefs.”*¹⁹

In addition to being deprived of the right to private and family life, the right to freedom of religion as held by the families of the deceased has been severely violated. The circumstances of the military offensive and forced deportation have violated the due rights of families to properly bury their loved ones or place memorial stones to mark provisional graves. As a result of Azerbaijan’s actions, families have been unable to organize or participate in funeral ceremonies and deliver rites that are essential to their religious beliefs. According to Armenian religious and cultural traditions, family members visit the gravesites of their deceased on the seventh day, fortieth day, and one-year anniversary following the burial. The brutal context of ethnic cleansing has rendered these families unable to return to the temporary burial sites, depriving them of the opportunity to uphold sacred, religious rites. This situation is further exacerbated by Azerbaijan’s documented destruction of religious and burial sites of ethnic Armenians, as referenced earlier. Such desecration, which could occur at any time, would permanently sever any potential for families to fulfill these essential religious practices and mourn their deceased with dignity. Urgent international action is therefore necessary to pressure Azerbaijan to exhume and repatriate the bodies of the deceased, ensuring that the religious rights of these families as enshrined under Article 9 of the ECHR are protected.

19. *Polat v. Austria* (Application no. 12886/16, ECtHR, 20 October 2021) <[https://hudoc.echr.coe.int/fre#\(itemid%22:\[%22001-211365%22\]\)>](https://hudoc.echr.coe.int/fre#(itemid%22:[%22001-211365%22])>) accessed 20 January 2025.

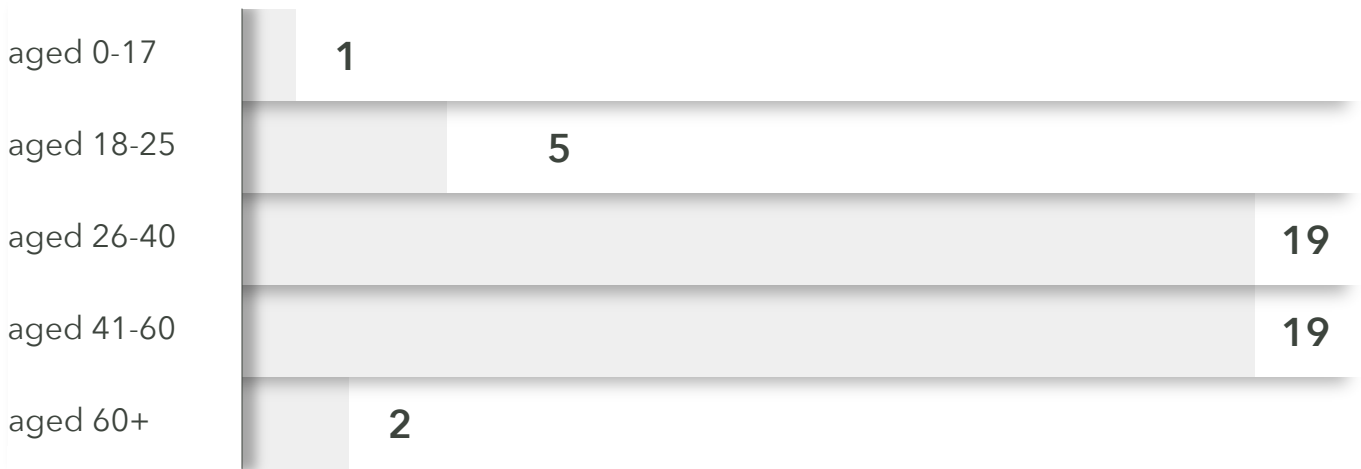
III. REVIEW OF SUBMITTED EVIDENCE ON FORTY-SIX TEMPORARY BURIALS

Extensive documentation of evidence regarding temporary burial sites of forty-six deceased following the attack on September 19, 2023, has been collected directly from the respective families. Detailed records of each individual case are kept in separate documents to ensure the families' privacy. This report is meant to provide an overview of the cases at hand, raise international awareness of the forty-six temporary burial sites, and call for the exhumation and repatriation of the forty-six deceased, to restore the families' Article 8 and Article 9 rights under ECHR.



Provisional burial site of Sos Ghukasyan (surname, first name, patronymic: Ղուկասյան Սոս Մուշեղի) in Chartar, provided by the family of the deceased. (Individual record: "ԿՄ-11").

The age ranges of the deceased at their time of death are displayed below:



In terms of the circumstances of death for these forty-six individuals, twenty-one were killed in action, with the majority of those killed during the attack on September 19, 2023, or shortly thereafter. Another twenty-two individuals were killed and their deaths described as combat-related (e.g., resulting from drone, artillery, or shrapnel). Three of the forty-six cases were civilian deaths, among these, a nine-year-old boy killed by the shelling of civilian populations that occurred during Azerbaijan's brutal attack.



Provisional burial site of Valeri Avanesyan (Ավանեսյան Վալերի Գրիգորիի) in the Stepanakert mass grave, provided by the family of the deceased. (Individual record: "4U-16").



Provisional burial sites of Julieta Galstyan (Գալստյան Զոյիդուրա Վազգենի) and her nine-year-old grandson, Areg Gasparyan (Գասպարյան Արեգ Հակոբի). These civilians were killed from Azerbaijan's attack, temporarily buried in Nerkin Horratag village. (Individual records: "4U-19" and "4U-20").

The average time elapsed between the death and temporary burial of the deceased during the circumstances of forced deportation was three days. The ranges of elapsed time, as measured in days, are reported in the table below:

0-1 days elapsed	4
2 days elapsed	10
3 days elapsed	14
4+ days elapsed	18

The temporary burial provisions were primarily organized by an immediate family member under extraordinary urgency given the rapid nature of the Azerbaijani offensive. Given the situation, families were deprived of the right to practice funeral rites, reserve a proper place as a grave, and place gravestones for their deceased. As a result, the families of the forty-six deceased had no choice but to leave the bodies of their deceased loved ones in mass graves, in general areas of cemeteries, or in their own yards, covering their bodies with soil in shallow resting places for purposes of preservation best they could before they were forced to flee. In

In addition to the urgency of the situation, there were extremely limited resources available to facilitate the temporary burials. For example, the family of Valeri Andreasyan (Surname, First Name, Patronymic: Անդրեասյան Վալերի Բարսեն) had to leave his body outside for several days while they did their best to collect scarce resources, creating a makeshift coffin using wood and tape before leaving him in the Stepanakert mass grave.



Provisional burial site of Samvel Aghamalyan (Աղամալյան Սամվել Վալերիի) in Chartar, provided by the family of the deceased. (Individual record: "4U-10").

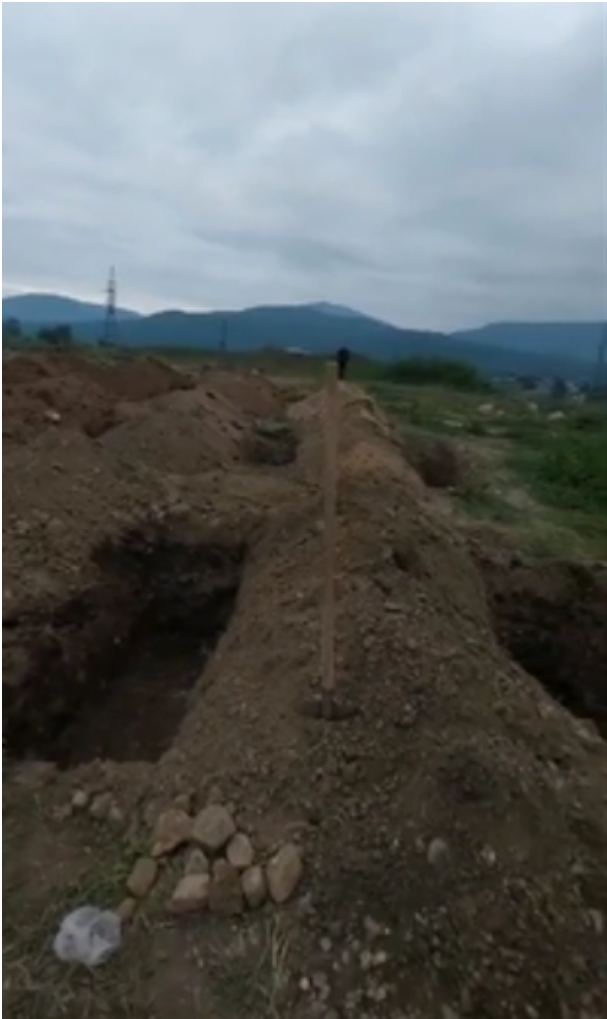


Provisional burial site of Melsik Areni (Բաղդասարյան Մելիկ Արսենի), buried in the family's yard in Vank village, provided by family of the deceased. (Individual record: "ՀՇ-06").

The most common temporary burial site was the Stepanakert mass grave, followed by unmarked, provisional graves in the vicinity of the Chartar Cemetery, Martuni Cemetery, Ghoze Verin Cemetery, Nerkin Horratag, Khnapat Cemetery, Arminavan's old cemetery, Martakert region of Vank village, Gishi Cemetery, Mushkapat Cemetery, Kolkhozashen Cemetery, and the Khndzristan Cemetery, with the latter seven sites listed as "Other" in the table below (one provisional burial per site in the "Other" category):

Stepanaker mass grave	25
Chartar Cemetery in area	6
Martuni Cemetery in area	4

Ghoze Verin Cemetery <i>in area</i>	2
Nerkin Horratag <i>on property in village</i>	2
Other	7



Pictures of the Stepanakert mass grave. Image on the left (Individual record: "ՀՇ-08") provided by family of the deceased, Armen Petrosyan (Պետրոսյան Արմեն Յուրիկի). Image on the right (Individual record: "ՀՇ-17") provided by family of the deceased, Ruben Gonjorian (Գոնջորյան Ռուբեն Ալեքսեյի).

The closest settlements to the provisional burial sites are with respect to the burial sites listed above, with Stepanakert, Charter, and Martuni correspondingly being the areas encompassing most of the sites, followed by Ghoze Verin T'agh, Nerkin Horratag, Khnapat, Vank, Gishi, Mushkapat, Khndzristan, with the latter five sites listed as "Other" in the table below (one provisional burial site nearest to each of the settlements in the "Other" category):

Stepanakert		26
Chartar	6	
Martuni	5	
Ghoze Verin T'agh	2	
Nerkin Horratag	2	
Other	5	



Stepanakert mass grave, picture provided by the family of the deceased, Artur Arzumanyan (Արզումանյան Արթուր Բորիկի). (Individual record: "ԿՄ-06").

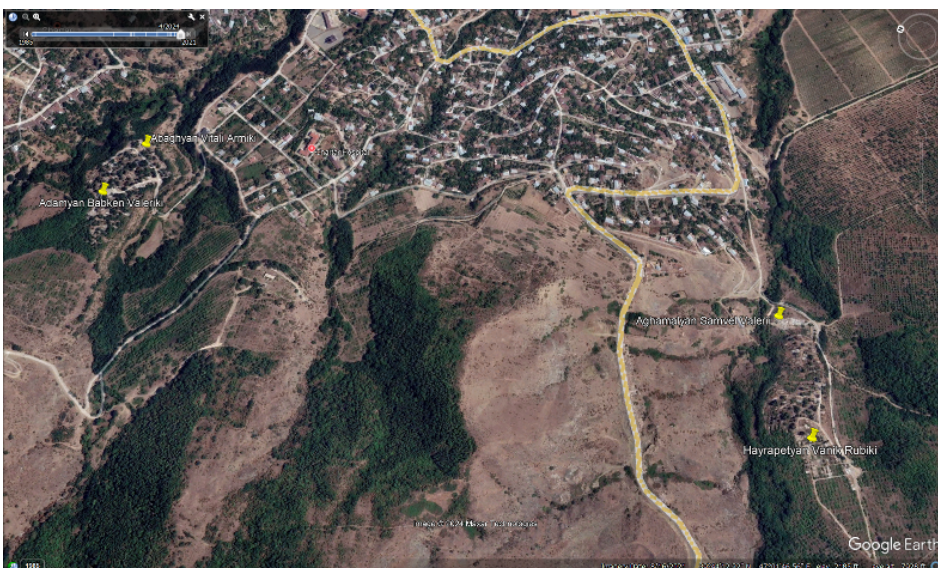
The exact coordinates of the vast majority of the forty-six provisional burial sites have been provided by families of the deceased, verified, and plotted on Google Maps for reference. The following images, captured using Google Earth, indicate the provisional burial sites of the victims in the top three most common sites:



Provisional burial sites in the Stepanakert mass grave, coordinates of temporary graves mapped on Google Earth.



Provisional burial sites in the Martuni Cemetery, coordinates of temporary graves mapped on Google Earth.



Provisional burial sites in the Chartar Cemetery, coordinates of temporary graves mapped on Google Earth.

IV. Conclusion

The provisional burial of forty-six individuals during the forced deportation of ethnic Armenians from Nagorno-Karabakh, and Azerbaijan's refusal to exhume and return the bodies to their loved one's amount to a dire violation of International Human Rights Law, specifically under Article 8 and Article 9 of the European Convention on Human Rights. The families of these forty-six deceased have been deprived of their right to properly bury their loved ones, deliver religious and cultural funeral rites, pay respects and visitations, and secure the dignity of the resting place of the deceased. Azerbaijan's actions constitute a violation of both its positive and negative obligations under the ECHR.

In orchestrating conditions of ethnic cleansing and forced depopulation leading up to, during, and following the September 19, 2023, attack, Azerbaijan violated its negative obligations under Articles 8 and 9 of the ECHR by preventing families from establishing proper burial and performing religious rites for deceased victims of the attack. Azerbaijan's subsequent and ongoing control of the region has made it impossible for families of the deceased to access the temporary burial sites, depriving them of their right to conduct proper funeral services and burials, deliver religious rites, hold visitations, and honor their deceased. Additionally, compounding these violations, Azerbaijan's long-standing practice of destroying Armenian historical and burial sites expose the forty-six deceased to an imminent risk of irreparable harm. This risk is especially heightened given the temporary nature of their burial locations-- in mass graves, on residential properties, and in the vicinities of extant cemeteries.

Furthermore, Azerbaijan has failed to uphold its positive obligations under IHRL by refusing to take necessary measures to remedy the human rights violations of these families and uphold their rights under Articles 8 and 9 of the ECHR. International case law, as discussed in this report, affirms this right to private and family life, with the ECtHR establishing that Article 8 extends to the ability to bury loved ones, perform funeral rites, and visit their graves. Azerbaijan's inaction also constitutes a violation of Article 9, which affirms the rights of families to bury their loved ones and perform such funeral rites in accordance with their religious beliefs. Azerbaijan's continued refusal to abide by and uphold these rights constitutes a severe and ongoing violation of the ECHR, and IHRL at large.

This document serves to raise international awareness of Azerbaijan's systemic practice of necro-violence against ethnic Armenians in general and the specific violations against the forty-six individuals in particular. As the temporary burial sites remain unprotected and unmarked, and given Azerbaijan's long-standing practice of defiling Armenian burial sites, the remains of the deceased face extraordinary risk of destruction. Such irreparable desecration could occur at any time, if not already, and would permanently deprive their families of their Article 8 and 9 rights pertaining to deceased loved ones. Given the urgency and extent of the situation, immediate, decisive action from the international community is essential to uphold IHRL and alleviate the suffering of the families of the forty-six deceased. We urge the international community to call on Azerbaijan to respect its IHRL obligations and conduct an immediate exhumation and return of the remains of the forty-six deceased to their loved ones. The rights of these families to give their loved ones a proper burial, deliver religious rites, and exercise their visitation rights in paying respect are enshrined in IHRL, and such basic tenets of dignity for human life must be upheld without delay.