

Dispute Over the Nagorno-Karabakh Region

State of Armenia v. State of Azerbaijan

MUNISC
MODEL UNITED NATIONS INTERNATIONAL SCHOOLS CONSORTIUM



INTERNATIONAL COURT OF JUSTICE

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Prosecution Witnesses:

Nikol Pashinyan

Donobedian Melikyan

Abouchian Papazian

Defense Witnesses:

Ilham Aliyev

Tural Jamalov

Emin Farajov



CASE SUMMARY

This Case Summary is not to be used as evidence in the case, but rather is provided for background purposes only

The territorial dispute between the State of Azerbaijan and the State of Armenia has been prolonged for decades since the 1980s, revolving around the control over Nagorno-Karabakh region. The long rivalry between the two States initiated when Soviet Socialist Republic crumbled, which put Nagorno-Karabakh under the realm of Soviet Azerbaijan. However, regardless of such situation, with majority of ethnic-Armenian residing in the region, Armenia requested for the authority to govern the area, but the demand was declined.

In retaliation, in May 1994, Armenia regained their control over the region after the First Nagorno-Karabakh war. However, the clashes between two States once again sparked on September 27th, 2020 when Azerbaijan launched a fully-fledged war, aiming to reclaim the mountainous districts in the Nagorno-Karabakh region. The Second Nagorno-Karabakh war lasted for 44 days, resulting in over 6000 casualties, 150 of them being civilians.

The conflict seemingly ended on November 9th, 2020 when two States agreed to ceasefire where Nagorno-Karabakh was officially announced as Azerbaijan land. But, the same land was also partially governed by Republic of Artsakh, which had Armenian ethnic majority. Russia stepped in to mediate the peace treaty, sending 2000 peacekeeping troops to prevent further clashes.

However, after the ceasefire was signed, conflicts remained in the area and thus endless casualties. As disputed territories are now under the control of Azerbaijani government, most of Armenian in Nagorno-Karabakh are experiencing ethnic and religious discrimination. Nagorno-Karabakh is ethnically 99.7% Armenian with 94% of the population being Christian whereas Azerbaijan is 96.9% Muslim. This makes Armenian population in Nagorno-Karabakh an ethnic and religious minority, who are even receiving unequal treatment before tribunals. Consequently, Nagorno-Karabakh Armenians are forced out of the region with many of their religious sites being targeted as well.

The State of Armenia responded to the situation, claiming that “Anti-Armenian hate is [Azerbaijani] State policy,” that leads to “mass killings, torture and other abuse” of ethnic Armenians. The Armenian government added that the spark of this action remains to Azerbaijani’s jurisdiction upon Nagorno-Karabakh and ethnical discrimination against Armenian in the region.

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Thus, in order to officially accuse the State of Azerbaijan for their discriminatory actions, the State of Armenia is submitting a referral to the International Court of Justice, requesting for judgment on the issue and an intervention from the UN on their behalf to ensure the safety and well-being of Armenians.



State of Armenia

v.

State of Azerbaijan

PARTIES, JURISDICTION AND VENUE

1. Nagorno-Karabakh is a region that shares borders with Armenia and Azerbaijan
2. Upon information and belief, Nagorno-Karabakh region is under the jurisdiction of Azerbaijan, while most of its population is consists of ethnic Armenian
3. The issue is focused on the discriminatory actions after the Second Nagorno-Karabakh war towards ethnic Armenian in the region
4. Republic of Artsakh is a self-proclaimed nation, neither a member nor an observer of the UN



5. The ceasefire between the State of Armenia and the State of Azerbaijan was signed in September 9th, 2020
6. Armenia has officially withdrawn military troops and government from Nagorno-Karabakh
7. Most of the population in Nagorno-Karabakh consists of ethnic Armenian
8. Most Armenian population is Christian whereas most of Azerbaijan population is Muslim

FOR CAUSE OF ACTION

9. The State of Azerbaijan has continuously violated the ceasefire
10. The government of Azerbaijan has enforced “Anti-Armenian hate” State policy, abusing the ethnic Armenians in Nagorno-Karabakh region
11. The Azerbaijani government has discriminated the Armenian population by oppressing the Armenian language, destroying Armenian cultural heritage, and eliminating the historical Armenian cultural presence
12. Azerbaijan government has wrongfully displaced Armenians from their homes and hindered

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the operation of NGOs, arresting and sentencing human rights activists working for reconciliation with Armenia

13. Educational materials were used in Azerbaijani schools to provoke negative feelings against Armenians
14. As a direct and proximate result of the Second Nagorno-Karabakh war, thousands of Armenian soldiers were killed and some of them were captured as prisoners of war
15. As a direct and proximate result of the additional violation of ceasefire, 15 Armenian soldiers were killed in combat and 12 were captured as prisoners

WHEREFORE, the Prosecution prays for fair judgment against the Defense for actual and punitive damages as the jury deems appropriate.



FOR DEFENSE

1. Each and every allegation in the Complaint not specifically admitted herein below is denied.
2. The allegations in Paragraph 1 of the Complaint are admitted.
3. The allegations in Paragraph 2 of the Complaint are admitted upon information and belief.
4. The allegations in Paragraph 3 are deemed to be refuted against, thus the allegations are denied.
5. The allegations in Paragraph 4 of the Complaint are admitted.
6. The allegations in Paragraph 5 of the Complaint are admitted.
7. The allegations in Paragraph 6 of the Complaint are admitted.
8. The allegations in Paragraph 7 of the Complaint are admitted.
9. The allegations in Paragraph 8 of the Complaint are admitted.
10. The allegations in Paragraph 9 of the Complaint are admitted but requires further explanation on the allegations.
11. The allegations in Paragraph 14 of the Complaint are admitted but requires further explanation on the allegations.
12. The allegations in Paragraph 15 of the Complaint are admitted but requires further explanation on the allegations.
13. The rest of the allegations of the Complaints not listed here are denied.
14. The Defense denies that the Prosecution is entitled to the requested relief in the unnumbered “Wherefore” paragraph.

STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and defendant stipulate to the following:

1. There are no defects in the pleadings. The Defendant has properly appeared and answered. The Court has jurisdiction over the parties. All questions of fact are being submitted to the jury. Questions of law will be decided by the Court. No law may be argued other than what is contained in the Jury Charges in the Case Materials.
2. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.
3. This case has been divided into party of Armenia and party of Azerbaijan.
4. The only matter to be decided in this trial is liability for the accusations.
5. All exhibits included in the Case Materials are authentic and are accurate copies of the originals. No objections to the authenticity of the exhibits will be entertained. The only exhibits to be used at the trial are those included in the case materials.
6. The charge of the Court is accurate in all respects, and no objections to the Charge will be entertained.
7. No witness should be examined or cross-examined as to the contents of anything not included in the Case Materials. This includes, but is not limited to, information found on the Internet, social media, books, magazines, and/or other publications.
8. No one other than the witnesses from the Witnesses Listing should be examined or cross-examined by the lawyers. No one other than the witnesses should produce evidence for the lawyers.

WITNESS LIST

PROSECUTION:

1. Nikol Pashinyan
2. Donobedian Melikyan
3. Abouchian Papazian

DEFENSE:

1. Ilham Aliyev
2. Tural Jamalov
3. Emin Farajov



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DISCLAIMER: The witnesses, testimonies, evidence, and events are not fictitious but rather inspired by reality. For the purpose of delivering a fair trial with limited evidence and time, assume all contents of this case brief are viable. Individual research beyond the information given in this document on the Armenian-Azerbaijan conflict is encouraged.

SWORN STATEMENT OF ARMEN SARKISSIAN

My name is Nikol Pashinyan and I am the Prime Minister of Armenia.

As a leader of this country, I had to make a choice. This was not an emotionally-driven decision, but it came from a certain logic. A logic that a leader of a country must bear the responsibility of taking actions in difficult times for the sake of the people and the country. If one does not possess the responsibility and determination to protect the people of his own country, such a leader and his country will cease to exist.

Nagorno-Karabakh has always been my weak spot and I still remember the day when the 44 days war ended with the sacrifice of so many young Armenians. It is evident that Armenia suffered more than it should have as casualty numbers as well as the economic downside of the war had greater impact on us. However, the fact that there is still a large majority of ethnic Armenian population residing in the Nagorno-Karabakh region left us no choice but to fight and protect our people. We knew that if we fail to govern the land, our people would be under the control of Azerbaijan where we cannot legally protect them. It was thus painful when we had to agree with ceasefire and were told that Azerbaijan will be taking the authority over the region, since within our deepest hearts, we already knew what would happen.

However, it was worse. People in the Nagorno-Karabakh are suffering, even now, under discrimination and coercion of the Azerbaijani government. Armenians are given no other choice but to accept the rules if they want to remain long-term. With regret and helplessness, I, Nikol Pashinyan, had to be responsible for those Armenians. Hence, for the well-being of our people, I have decided to submit a referral, hoping that God will bring justice to our people's land.

SWORN STATEMENT OF DONABEDIAN MELIKYAN

My name is Donobedian Melikyan, and I am a priest from Ghazanchetsots Cathedral, also known as Holy Savior Cathedral, in Shushi.

Chazanchetsots was a site of spiritual significance to us. During the 1920 Shushi massacres, the cathedral was severely damaged, but then was repaired later as Armenian forces recaptured the land. However, due to Azerbaijani troops during the war, the cathedral was once again bombed, creating a hole in the roof. No so long after that, the entire city of Shushi was captured by Azerbaijan.

I was there when the bomb dropped on our cathedral ceiling. On October 8th, 2020, I was giving a prayer in the cathedral when I suddenly heard a large destructive sound. In surprise, I ran outside, trying to figure out what happened. I cannot forget what I saw that day; people were screaming and some were even crushed under the ruins of the bombing. Trying to remain as calm as possible, I helped people to clear out the ruins and took care of the injured. Later that night, I prayed to God that He would give me insight of how to overcome this challenge. However, my prayer was not enough.

Soon after the incident, Azerbaijan troops came in threatening us to surrender and they soon took control over the whole area of Shushi. They took me as a prisoner and threatened me to leave the cathedral, my home. I had to listen or else they would have killed me. But I did not realize that my decision then would torture me till this day.

Regret and sorrow were unbearable, however what truly made me suffer was the fact that Azerbaijani did not stop. In fact, they are still discriminating us, Armenians who choose to believe in our God. We are given no religious freedom here and if we did not choose to listen to their demands, they will remove us, forcing us to leave our ancestor's land. We are not free here and we are losing everything we value. Azerbaijan should be responsible for how they trample upon our voices.

SWORN STATEMENT OF ABOUCHIAN PAPAZIAN

My name is Abouchian Papazian, and I am a psychiatrist who took care of Armenian soldiers from the Second Nagorno-Karabakh war.

A war experience is hard to forget, especially for soldiers who had to fight in the front line to defend their country. The physical conditions they experience after the war are indeed dreadful, but what ruins these soldiers every day is their psychological trauma from the war, also known as Post Traumatic Stress Disorder (PTSD). As a psychologist, what I met up soldiers with PTSD and provided them with appropriate treatment. Also, I had to listen to their stories, which was unbelievably hard to imagine.

In total, I took care of 20 patients, most of them expressing symptoms of PTSD from war. As their symptoms got worse, those patients had dealing with fear and confusion of their daily lives as well. Some of them even showed extreme symptoms such as feeling as if that war would re-occur anytime, refusing to go outside due to fear. Meeting patients with stress disorders was not surprising to me as it was simply my daily life. However, after meeting one Armenian soldier, I noticed how I should take exceptionally caution when treating patients of war PTSD.

I remember him as a bright person. So bright that I would not have recognized his sufferings from war if he weren't my patient. He always greeted me with a big smile on his face, gently speaking as we would have a group therapy. Since he seemed so mentally stable, the fact that he is here to receive a therapy was surprising. And I have assumed that his symptoms were not that much of a big deal.

After 2 weeks after the group therapy ended, I met him on the road. We were having a discussion when suddenly a car crash happened in front of me. In surprise, I screamed, but I had no idea that this would be a trigger. The explosive sound of the car crash with people screaming brought back his flashbacks from the war, and without letting me realize what was going on, he ran towards the opposite direction, right towards where the road was. Everything happened within a split second. When I turned around to stop him, he was already on the road and since he jumped in so suddenly it was too late for the driver to turn his wheel. He was immediately sent to the hospital, but nothing more could be done.

This experience gave me two lesson. One, I should never be biased with my patients. Two, war destroys people's lives. I do not know why it is so important to fight over a piece of land, but as far as I am concerned, nothing is more important than the lives of people. Also, the lives of

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Armenian soldiers who sacrificed their lives to protect us should not be forgotten. Hence, Azerbaijan should be responsible for their actions and should give compensation for those who lost their loved ones.



SWORN STATEMENT OF ILHAM ALIYEV

My name is Ilham Aliyev, and I am the President of Azerbaijan.

I have nothing much to say. Armenia is claiming nonsense and I stand firm that Azerbaijan did not discriminate against ethnic Armenians. In fact, Armenians in Nagorno-Karabakh are the ones who are causing all the troubles. The Armenian population has continuously pursued *their* religion, Christianity, even they are here in Azerbaijan land where the main religion is Islam. However, we believe that everyone living in Azerbaijan land must follow our rules. Thus, it is obvious that we would support Muslim over any other religion, and the fact that we do is not a sufficient reason to accuse us.

The consecutive years of conflict over Nagorno-Karabakh also cannot be solely the responsibility of Azerbaijan. Conflicts occur and as a President, I made a choice where it seemed necessary. After all, ceasefire was signed, and it was on clear terms that we would be governing the region. For me, it is quite scandalous for the Armenian government to claim over our land as theirs when everything was already conversed.

Furthermore, Armenia should be the last country to convict Azerbaijan for ethnic discrimination as they themselves committed series of discriminatory actions against Azerbaijanis based on national or ethnic group. Armenian government is continuing its policy of ethnic cleansing, provoking its citizen to conduct hatred violence against Azerbaijanis through hate speech and racist propaganda.

The Azerbaijanis' freedom and rights are being violated, not Armenians'. Infringement of fundamental human rights and freedoms of Azerbaijanis has gone too far. Therefore, as the President of Azerbaijan, to protect our citizens, I hope the International Court of Justice brings fair conclusions that we can satisfy.

SWORN STATEMENT OF TURAL JAMALOV

My name is Tural Jamalov, and I was a soldier who fought in the Second Nagorno-Karabakh war against Armenia.

I was born in Baku, the capital and largest city of Azerbaijan. Honestly, I had a decent childhood. My parents were all supportive of my decisions and thus I could do whatever I wanted to do. Wanting to take part in protecting our country, I decided to become a soldier, and the year when I became 28, I was sent to the military facility in Baku where I was trained as an Air Force.

Not long after I was deployed to Baku airbase, the Second Nagorno-Karabakh war broke out and I had to prepare for the war. 10 years have passed since I have lived a life as a soldier, so I was certain that I was qualified to be part of an important mission, succeed it, and become a hero. I waited eagerly for a mission and at last, our general gave out his orders, informing us that now it's time for us to serve our country. So I was chosen as one of the first pilots to be placed in battle; I was chosen, unfortunately.

Back then, I thought I was an honorable soldier who could sacrifice himself without any disgrace. I did not realize how simply foolish and naïve I was to believe so. My mission was to drop bombs directly on the Armenian headquarters. Nervously, I prepared myself, and took off to complete my mission. However, the Armenians knew us coming and my plane was shot down. I survived the plane crash, but at the same time I was captured by the Armenian troops.

After then, I do not recall every detail as I was tortured for days. I do not even remember whether I have been a prisoner for days or weeks. Thankfully, Allah did not abandon me and I was eventually rescued. But deep down inside I knew that my body and mind was wrecked. I lost my right leg due to the plane crash and the torture gave me a trauma I can never forget. Hence, I would like to ask for the Court to take my experience into consideration: we, Azerbaijani soldiers are the greatest victims of this conflict.

SWORN STATEMENT OF EMIN FARAJOV

My name is Emin Farajov, and I own a winery at Tugh, a village in the Khojavend District of Azerbaijan, which is a region in Nagorno-Karabakh.

My family has been making wine for decades and it has been our major part of our lives. From what I heard from my grandmother, we used to have hundreds of acres of land, filled with grapevines. It was a peaceful village and our winery, the biggest in town, was at the center of its peacefulness. Everyone who came to our village would visit our winery, enjoying the fragrant taste of our wine and the relaxing feeling it offers.

However, after the outbreak of the Second Nagorno-Karabakh war, peace in our town was gone. The war went on for weeks and terrified villagers tried to stay away from the sounds of bombs and fighting nearby our town. With no demand for wine due to the war, our winery slowly went out of business and joy was nowhere to be seen anywhere in our town. I believed things could not get even worse, but I was totally mistaken.

After the war, our winery and grape farm was of no use as people were too busy rebuilding the town, so they could not afford something as extravagant as wine. Our family's financial situation got worse day by day. Food and supply were depleted and days passed since we last had a nice meal. So, my parents decided to go to the mountains to gather anything that we could eat. However, my parents never came back.

I was not the only child who lost his/her parents. During the war, the Armenian troops came to our village and placed landmines in our land. Civilians who knew nothing about this thus became victims of this so called 'war strategy.' Along with the loss of my parents, I had to face being a minority in the town –the only ethnic Azerbaijan. The fact that I was born in an Azerbaijan family was enough of a reason for other people in the village to hold a grudge on me for actions that my country has done. With no support, I was totally isolated.

I have heard that Armenians in Nagorno-Karabakh call themselves a minority group and are facing unfair treatment from our government. If that's the case, why was I the one forced to live in fear on my own? I believe their assertion is not valid, since they were the ones who chose to stay, and for I was the one who was truly discriminated against. Hence, Armenians should know how to face the truth and be more reasonable. Moreover, the Armenian government should be responsible for their cruel behaviors that eventually took away innocent lives of the civilians. Thus, I hope the International Court of Justice brings peace to Azerbaijan.