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genocide, war crimes, ethnic cleansing and crimes
against humanity****Security Council
Seventy-fifth year**

Letter dated 29 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Further to my previous letters on the aggression unleashed by Azerbaijan against Nagorno-Karabakh, I am writing regarding Azerbaijan's persistent, gross and systematic violations of the Charter of the United Nations and the norms and principles of international law in the context of the maintenance of international peace and security.

Azerbaijan has repeatedly demonstrated a blatant disregard towards its pre-eminent obligation to strictly adhere to the principles of non-use of force or threat of force and the pacific settlement of disputes by opting, instead, for instigation of violence, conflict and atrocity crimes in relation to the people of Artsakh (Nagorno-Karabakh).

In order to conceal its failures with respect to the multiple proposals on implementation of confidence-building measures and consolidation of the ceasefire regime made by the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE) – such as the establishment of an investigative mechanism into ceasefire violations, expansion of the number of international monitors and their activities, refraining from provocative actions, including the use



of snipers and engineering works along the line of contact and the State border¹ – the authorities of Azerbaijan displayed remarkable consistency in promoting the language of threats, fuelling ethnic hatred and propagating war and violence against Armenians.² In doing so, the leadership of Azerbaijan sought to push for a deceptive, victim-blaming narrative on the basis of misplaced, manipulative invocation of the concept of “self-defence” as a purported justification for military action.

Over the years, the leadership of Azerbaijan has been consistently rejecting proposals for diplomatic settlement, resorting instead to an exponential arms race, while blaming the negotiation process, the mediators and the international community for its own inability to prioritize international peace and stability over violence and ethnic hatred.

Azerbaijan’s long-standing objective to resolve the Nagorno-Karabakh conflict by force and not through peaceful means resulted in a series of major escalations, including the large-scale offensive in April 2016 and border escalation in July 2020, in flagrant violation of the trilateral ceasefire agreements of 1994 and 1995.

From 27 September to 9 November 2020, Azerbaijan launched a premeditated military offensive leading to the most intense and destructive crisis in the region since the 1990s, in grave violation of the ceasefire agreements and international humanitarian law. In what has become the biggest military escalation in times of a global pandemic, Azerbaijan, with the military support of Turkey and the involvement of thousands of foreign terrorist fighters and mercenaries, carried out massive attacks against Nagorno-Karabakh, accompanied with the deliberate targeting of the civilian population, including women, children, journalists, humanitarian and medical workers, and the destruction of critical civilian infrastructure. Videos of public executions, mutilations, inhuman treatment of prisoners of war and civilian hostages and other atrocities have been widespread in online media.

As I elaborated in my letter dated 5 October 2020 ([A/75/496-S/2020/984](#)), all the available evidence clearly indicates that the Azerbaijani-Turkish attacks have been planned well in advance. The United Nations Working Group on the use of mercenaries expressed strong concern over the large-scale recruitment and transfer of foreign mercenaries from Syria that are “allegedly affiliated with armed groups and individuals that, in some cases, have been accused of war crimes and serious human rights abuses during the conflict in Syria”.³

On 10 December 2020, the Presidents of the “One-Nation-Two-States” co-hosted a so-called “victory parade” in Baku, during which Azerbaijan’s President, Ilham Aliyev, stated: “We proved that a military solution to [the] Karabakh conflict was possible ... We have been preparing all these years and have never ruled out a military solution to the conflict.” He went further, claiming that areas of the Republic of Armenia, including the capital, Yerevan, are “Azerbaijani territories”,⁴ while Turkey’s President, Recep Tayyip Erdogan, announced that “the struggle carried out

¹ Press statement by the Co-Chairs of the OSCE Minsk Group, www.osce.org/mg/185746; joint statement of the Minister of Foreign Affairs of the Russian Federation, Secretary of State of the United States of America and State Secretary for Europe Affairs of France, www.osce.org/mg/240316; joint statement by the Heads of Delegation of the OSCE Minsk Group Co-Chair countries, www.osce.org/mg/287531; press statement by the Co-Chairs of the OSCE Minsk Group, www.osce.org/minsk-group/423734.

² European Commission against Racism and Intolerance report on Azerbaijan, adopted on 17 March 2016, see <https://rm.coe.int/fourth-report-on-azerbaijan/16808b5581>.

³ Office of the United Nations High Commissioner for Human Rights, “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts” (11 November 2020), www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494.

⁴ <https://en.president.az/articles/48788>.

in the political and military areas will continue from now on many other fronts” and glorified the masterminds and perpetrators of the Armenian Genocide.⁵

Despite overt, unconcealed glorification of violence, sponsoring of international terrorism and genocidal ideology, both Azerbaijan and Turkey have been increasingly seeking to manipulate the right to “self-defence” to cover up Azerbaijan’s criminal conduct. Much to the embarrassment of those behind this fabricated argument, it must be clearly stated, however, that, in the case of Azerbaijan, neither the conditions of “self-defence” nor of “pre-emptive self-defence” are applicable.

First, both codified and customary international law prohibit the use of force. Indeed, Article 2 (3) of the Charter of the United Nations makes clear that “all Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered”. While Article 51 of the Charter states that sovereign nations have an inherent right to self-defence, this right is allowed only “if an armed attack occurs against a Member of the United Nations”. No such “armed attack” – either by the Republic of Armenia or by the Republic of Artsakh – took place here.

Second, putting aside that there was no evidence of an armed attack against Azerbaijan by the Armed Forces of Artsakh, nor anything rising to such a level as to permit Azerbaijan’s invocation of self-defence, Azerbaijan’s purported response to “provocations” was widely accompanied with acts of atrocity crimes. In addition to the direct explicit evidence of genocidal intent, as communicated by Azerbaijan’s and Turkey’s leaders themselves, Azerbaijan’s goal of ethnically cleansing the indigenous Armenian population in Nagorno-Karabakh may be inferred from Azerbaijan’s commission of the following atrocity crimes: (1) inhuman treatment, torture, executions and beheadings of captive Armenian civilians; (2) torture, beheadings and mutilations of prisoners of war; (3) widespread destruction of civilian infrastructure; (4) destruction of cultural and religious heritage; and (5) hate speech by the Azerbaijani political leadership and public figures encouraging identity-based crimes against Armenians.

Throughout its offensive, Azerbaijan has widely used prohibited weapons, such as cluster munitions and incendiary weapons. As documented by international sources, Azerbaijan deliberately targeted civilian infrastructure during its 27 September to 9 November 2020 offensive, which involved:

- The constant bombardment of Stepanakert, the capital of Nagorno-Karabakh, resulting in the destruction of several civilian sites, including the targeting and bombing of the city’s maternity hospital, damage to power lines, children’s playgrounds, vehicles, businesses, homes and the main post office, and the destruction of the city’s central market⁶
- Serious damage to an Armenian Apostolic cathedral in Shushi on 8 October 2020 (Ghazanchetsots), which was attacked not once but twice, injuring three foreign journalists who had come to the scene to document the first strike
- Azerbaijan’s destruction of a hospital in Martakert as doctors were operating
- Azerbaijan’s use of incendiary munitions (such as white phosphorus) to ignite large forest fires in Armenian-controlled areas of Nagorno-Karabakh, causing

⁵ www.tecb.gov.tr/en/news/542/123140/-as-long-as-turkey-and-azerbaijan-join-forces-they-will-continue-to-overcome-obstacles-and-achieve-many-more-victories-; “‘One nation, two states’ on display as Erdogan visits Azerbaijan for Karabakh victory parade”, www.france24.com/en/asia-pacific/20201210-one-nation-two-states-on-display-as-erdogan-visits-azerbaijan-for-karabakh-victory-parade.

⁶ Human Rights Watch, “Azerbaijan: cluster munitions used in Nagorno-Karabakh” (23 October 2020), www.hrw.org/news/2020/10/23/azerbaijan-cluster-munitions-used-nagorno-karabakh#.

psychological and grievous bodily injuries, as well as extreme environmental damage.⁷

Azerbaijan has, indeed, waived any self-defence argument by its capture and torture of ethnic Armenian civilians, including humanitarian aid workers, before and after the 10 November 2020 ceasefire. The relevant reports by the Human Rights Defenders of Armenia and Artsakh contain abundant evidence documenting the barbaric atrocities committed by the Azerbaijani armed forces against captured ethnic Armenian civilians, detailing the torture, mutilation and killing of captured Armenian civilians, including after the 10 November 2020 ceasefire.⁸

Moreover, Azerbaijan's atrocious treatment of Armenian prisoners of war – including mutilation, torture and beheadings – belies any “self-defence” argument. These are not acts of self-defence but acts of genocidal intent. As reported by several international sources and as documented in the Ombudsman's reports, Azerbaijan committed multiple acts prohibited under the Third Geneva Convention, such as executions of Armenian soldiers by gunfire, decapitation of Armenian prisoners of war, deliberate execution of injured, non-resistant wounded soldiers, brutal execution of an alive, captured person,⁹ mutilation of the bodies of dead Armenian soldiers¹⁰ and other inhumane acts and atrocities.

The genocidal intent does not stop at the bodies of ethnic Armenian civilians and prisoners of war; it also seeks to destroy Armenian cultural heritage, while erasing any evidence of the more than 2,000-year-old Armenian civilizational presence. Notable examples of such cultural erasure involved the shelling of the Tigranakert archaeological site, the best-preserved city of the Hellenistic and Armenian civilizations of the Caucasus,¹¹ as well as the targeted destruction of the Armenian cathedrals in Shushi,¹² including the removal of the Armenian cross and rounded, pointed dome from the “Kanach Zham” (“Green Chapel”) Armenian Church of Saint John the Baptist.

Despite Azerbaijan's unsubstantiated claims that the ancient Christian cultural heritage in the region is not Armenian but rather exclusively “Caucasian Albanian”, such claims have not stopped Azerbaijan from destroying cultural heritage that it labels as “Caucasian Albanian”, as confirmed by Azerbaijan's devastating campaign against the largest medieval Armenian cemetery in the world – the historical khachkars (cross-stones) in Old Jugha in Nakhichevan, destroyed by the Azerbaijani Government between 1997 and 2006.¹³ Notably, Azerbaijan not only denies such conduct – which was captured on video – but also denies the existence of this

⁷ Atlantic Council's Digital Forensic Research Laboratory, “Satellite imagery shows environmental damage of reported white phosphorus use in Nagorno Karabakh” (12 November 2020), <https://medium.com/dfrlab/satellite-imagery-shows-environmental-damage-of-reported-white-phosphorus-use-in-nagorno-karabakh-9826391a295>.

⁸ Human Rights Ombudsman of Artsakh, “Fifth and Sixth Ad Hoc Reports on Torture and Inhuman Treatment of Members of Artsakh Defense Army and Captured Armenians by Azerbaijani Armed Forces” (available upon request).

⁹ Human Rights Watch, “Azerbaijan: Armenian prisoners of war badly mistreated” (2 December 2020), www.hrw.org/news/2020/12/02/azerbaijan-armenian-prisoners-war-badly-mistreated#.

¹⁰ “Evidence of widespread atrocities emerges following Karabakh war” (9 December 2020), <https://eurasianet.org/evidence-of-widespread-atrocities-emerges-following-karabakh-war>.

¹¹ “Armenians fear for cultural, religious sites in Nagorno-Karabakh”, www.voanews.com/south-central-asia/armenians-fear-cultural-religious-sites-nagorno-karabakh.

¹² “Azerbaijan: attack on church possible war crime”, www.hrw.org/news/2020/12/16/azerbaijan-attack-church-possible-war-crime.

¹³ “Monumental loss: Azerbaijan and ‘the worst cultural genocide of the 21st century’”, www.theguardian.com/artanddesign/2019/mar/01/monumental-loss-azerbaijan-cultural-genocide-khachkars.

Armenian cultural heritage at all, in line with Azerbaijan's genocidal indoctrination directed against ethnic Armenians and Armenian culture and history.

Sadly, such dangerous indoctrination is cultivated at the highest political level in Azerbaijan and Turkey, as reflected in the extensive use of inflammatory, derogatory language in relation to Armenians.^{14,15}

The past weeks have clearly indicated that bellicosity, warmongering and anti-Armenian sentiments have taken firm hold of the public discourse in Azerbaijan and Turkey, and that these represent serious risks of atrocity crimes. On 22 October 2020, a group of 80 prominent Genocide scholars published a joint letter on the imminent genocidal threat deriving from Turkey and Azerbaijan against Nagorno-Karabakh, in which they point out the continuous policy of denial and justification of the Armenian Genocide.¹⁶

It is clear that Azerbaijan's violent conduct, encouraged and supported by its enabling State, Turkey, has been aimed not at defence but at intentional infliction of maximum casualties on the Armenian side.

At their core, the belligerent actions of Azerbaijan that began on 27 September 2020 violated international law as Azerbaijan's conduct resulted in the resumption of hostilities, civilian casualties and widespread destruction. Plied with Turkey's illicit caches of military command and counsel, hardware and technological munitions, and universally outlawed foreign terrorist fighters and mercenaries, Azerbaijan's actions also led to the intensification of the conflict undermining peace and security in the region.

Azerbaijan, therefore, demonstrated not only that it was not acting in "self-defence" under international law, but also that it had no intention of complying with the purposes and principles of the Charter of the United Nations, international humanitarian law and human rights law, or any of the Security Council resolutions that it has so often invoked for manipulative purposes. This was further evidenced by Azerbaijan's failure to adhere to the 10 October, 17 October and 25 October agreements on humanitarian ceasefire.

The fact that Azerbaijan chose to attack in the midst of a global health pandemic exemplifies Azerbaijan's unwillingness to engage in peaceful resolutions and eagerness to resort to force.

Not only are Azerbaijan's actions incompatible with the core values and objectives of the United Nations, but they also set a dangerous precedent to the detriment of international peace and security and must be unequivocally acknowledged for what they are – an attempt to solve an international dispute by force, contrary to the obligations under international law, including customary law.

I kindly ask that the present letter be circulated as a document of the General Assembly, under agenda items 34, 71, 72, 81, 86, 114 and 135, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative

¹⁴ "Azerbaijan starts production of 'Iti qovan' UAVs", https://azertag.az/en/xeber/Azerbaijan_starts_production_of_Iti_qovan_UAVs-1621231.

¹⁵ The full text and translation of President Aliyev's 10 November 2020 speech is available on the website of the Republic of Azerbaijan's Ministry of Defence: <https://mod.gov.az/en/news/president-ilham-aliyev-addressed-the-nation-33795.html>.

¹⁶ "Statement on the imminent genocidal threat deriving from Azerbaijan and Turkey", www.genocide-museum.am/eng/23.10.2020.php?fbclid=IwAR0TAPjgodz9ZGLnioHSvqo5TQl3KTGD0SS_mnVoeAgp5qLAT8dOhJAJqzg.