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Agenda items 34, 71, 72, 81 and 135

Prevention of armed conflict

Right of peoples to self-determination

Promotion and protection of human rights

Crimes against humanity

**The responsibility to protect and the prevention of genocide,
war crimes, ethnic cleansing and crimes against humanity**

**Security Council
Seventy-sixth year**

**Letter dated 12 January 2021 from the Permanent Representative of
Armenia to the United Nations addressed to the Secretary-General**

I have the honour to enclose herewith the letter from the Minister for Foreign Affairs of Armenia, Ara Aivazian, regarding Azerbaijan's violations of international humanitarian law in the aftermath of the large-scale military offensive launched by Azerbaijan against Nagorno-Karabakh (Artsakh) (see annex).

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

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



Annex to the letter dated 12 January 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Letter from the Minister for Foreign Affairs of the Republic of Armenia addressed to the Secretary-General

Yerevan, 12 January 2021

I am writing to you to share concerns about the situation in Nagorno-Karabakh (Artsakh) in the aftermath of the large-scale military offensive launched by Azerbaijan on 27 September 2020 with the direct involvement of Turkey and foreign terrorist fighters from Syria and Libya.

Having disrupted the decades-long ceasefire in the region, the hostilities in the midst of an unprecedented global health-care crisis led to a massive loss of human life, large-scale ethnic cleansing of the indigenous population of Artsakh and deliberate destruction, vandalism and desecration of Armenian religious and cultural sites. As a result of Azerbaijan's aggression, at least 30,000 residents of Hadrut, Shushi and other regions of Artsakh seized by the Azerbaijani forces have been displaced from their homes and places of residence.

For many years, the leadership of Azerbaijan has been threatening war, destruction and human suffering as a means of resolving the Nagorno-Karabakh conflict, even though the international community has been loud and clear in declaring that a military solution would be utterly unacceptable.

The violent conduct of Azerbaijan demonstrates that it has no intention of complying with international law, including the Charter of the United Nations. None of the Security Council resolutions that Azerbaijan has so many times invoked in an overtly manipulative fashion can be interpreted as an authorization to use force by any means. Quite on the contrary, the primary demand of the Security Council resolutions adopted in 1993 was for the immediate cessation of hostilities and for unimpeded humanitarian access. The claims of Azerbaijan that it alone has implemented the Security Council resolutions have further evidenced that its actions were carried out with the objective of solving the conflict by force.

Indeed, Azerbaijan's agenda is hidden in plain sight for anyone to see. While talking about peace and security in the region, Azerbaijan has consistently been challenging the consolidated position of the international community, in particular the position of the Organization for Security and Cooperation in Europe Minsk Group Co-Chairs and the United Nations that there cannot be a military solution to the conflict, and boasting of its use of force. Azerbaijan's "military solution" has extensively involved and continues to involve mass atrocities committed against the civilians and prisoners of war in Nagorno-Karabakh, even after the ceasefire pursuant to the trilateral statement of 10 November 2020.

Notably, the first provision of the trilateral statement holds that "a complete ceasefire and termination of all hostilities in the area of the Nagorno-Karabakh conflict is declared" and that the parties "shall stop at their current positions". Yet more than a month into the ceasefire, Azerbaijan launched military operations in the direction of Hin Tagher and Khetsaberd, the two villages of the Hadrut region that remained under Armenian control. On 11 December 2020, the special forces of Azerbaijan launched an attack in the area of Hin Tagher and Khetsaberd, in an attempt to wipe out these villages of their ethnic Armenian inhabitants, so that the entire region of Hadrut would come under Azerbaijan's de facto control.

During the military assault, the armed forces of Azerbaijan captured 64 Armenian servicemen, in violation of Azerbaijan's ceasefire obligations under the

trilateral statement. In an attempt to justify its actions in Hadrut, which resulted in casualties and the capture of additional prisoners of war, Azerbaijan is now again attempting to shift the blame onto Armenia by invoking a deceptive narrative of a fake “anti-terror operation” and an alleged “sabotage group” deployed by Armenia.

To date, Azerbaijan has continued to flout article 8 of the trilateral statement, which mandates the “exchange of prisoners of war, hostages, and other detained persons and dead bodies”. Azerbaijan refuses to admit the existence of several dozen prisoners of war and civilian hostages captured before the establishment of the ceasefire and the signing of the trilateral statement. Even after the establishment of the ceasefire, the Azerbaijani armed forces continue to capture Armenian servicemen and civilians, regardless of the relevant provisions of the trilateral statement.

Azerbaijan’s refusal to provide the full list of prisoners of war, hostages and other detained persons or to release these captured individuals, including the hostages taken after the signing of the trilateral statement, as well as Azerbaijan’s intentional misrepresentation of some prisoners of war as terrorists, are but further clear violations of international humanitarian law.

Azerbaijan’s unconstructive and highly politicized stance on purely humanitarian issues is further illustrated by its refusal to agree on unimpeded access to the conflict zone and its attempts to deny United Nations agencies the possibility of providing humanitarian assistance to the people of Nagorno-Karabakh, who have been facing the dire consequences of war and destruction and require the urgent attention of the international community. The provision of humanitarian assistance to those who need it most has become hostage to the manipulative and unjustified claims of one particular party.

Equally disturbing is Azerbaijan’s demonstrated lack of goodwill to cooperate in the area of preservation of cultural heritage. Armenia welcomes and is ready to support the deployment of the United Nations Educational, Scientific and Cultural Organization (UNESCO) fact-finding mission to the Nagorno-Karabakh conflict zone and the adjacent areas as soon as possible, which can significantly contribute to the efforts to preserve the vast and unique cultural heritage of the region. Azerbaijan is yet again thwarting international action aimed at effective protection of cultural heritage.

Violence, destruction and more human suffering cannot be a solution to the Nagorno-Karabakh conflict. It is of paramount importance to take all necessary measures to improve the security environment on the ground, refrain from further provocations and proceed, in good faith, with the immediate exchange of all prisoners of war and captives on the basis of the principle of “all for all”, as agreed among the parties to the trilateral statement.

Armenia condemns the detrimental practice of threats, blackmail, hostage-taking and attempts to instrumentalize the issue of prisoners of war and to use human lives to get concessions in the context of conflict-related issues, something that Azerbaijan is cynically promoting by turning a humanitarian issue into a bargaining tool. The multiple violations of international humanitarian law and the war crimes committed in the course of the 44-day aggression against Nagorno-Karabakh have no statute of limitations and the perpetrators must be held accountable.

Lasting and sustainable peace in the region could be achieved only through the comprehensive resolution of the conflict, including resolving the status of Nagorno-Karabakh based on the realization of the right of self-determination of the people of Artsakh, ensuring the safe and dignified return of the displaced population to their homes and preserving the cultural and religious heritage of the region.

(Signed) Ara Aivazian