



# General Assembly Security Council

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**General Assembly**  
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**Security Council**  
**Seventy-sixth year**

**Prevention of armed conflict**

**Right of peoples to self-determination**

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

## **Letter dated 25 February 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith the memorandum of the Ministry of Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh Republic) regarding the visit by the leader of Azerbaijan to the territories of the Republic of Artsakh, occupied as a result of the military aggression of Azerbaijan unleashed on 27 September 2020 (see annex).

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

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



**Annex to the letter dated 25 February 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

**Memorandum of the Ministry of Foreign Affairs of the Republic of Artsakh in connection with the visit by the President of Azerbaijan to the occupied territories of the Republic of Artsakh**

On September 27, 2020, Azerbaijan, with the support of Turkey and foreign mercenaries from various extremist and terrorist groups from the Middle East and other regions, unleashed a large-scale aggression against the Republic of Artsakh with the aim of destroying Artsakh and its statehood and exterminating its people. The 44-day war claimed thousands of lives, tens of thousands of people became refugees, and many were taken hostage. The war ended with the occupation of a significant part of the Republic of Artsakh. Almost immediately after the end of hostilities, the Azerbaijani authorities took a course to impose *a fait accompli*, created and sustained with the use of military force, in blatant violation of the norms of international law. One of the instruments for implementing this policy is the visits of the President of Azerbaijan to the territories seized by military force during the 44-day war.

Ilham Aliyev's visit on January 15, 2021, to certain territories of the Republic of Artsakh (Nagorno-Karabakh), currently under illegal occupation of the Azerbaijani army, is one of the most striking examples in the chain that characterizes the post-war policy of Azerbaijan. The route of Ilham Aliyev's visit traversed the occupied Hadrut region, continued through the villages of Martuni and Askeran regions and ended in the town of Shushi. There, Ilham Aliyev made a number of statements replete with blatant threats, bellicose bravado, outright mockery and hatred towards Armenian people.<sup>1</sup>

The provocative, inflammatory nature of the visits and the accompanying statements evidence Azerbaijan's intention to consolidate the unlawful takings of the military occupation, disrupt the resumption of the negotiations on a comprehensive settlement of the Azerbaijan-Karabakh conflict, avoid a peaceful resolution and prevent the return of the displaced Armenian population. This destructive and defiant behaviour of Azerbaijan has become regular and recurrent.

Prior to Azerbaijan's military aggression in 2020 and the occupation of certain territories in Artsakh, the people of Artsakh exercised their right to self-determination and established a statehood in these territories. The right to self-determination is a fundamental right of peoples—a *jus cogens* rule and is guaranteed by international law. In fact, the principle is enshrined in the United Nations Charter itself, providing that people have the right to freely choose their sovereignty and international political

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<sup>1</sup> Extract from the speech by Ilham Aliyev in Shushi on January 15:

"They are hiding like mice now, tight-lipped, unable to utter a word. We came here as winners. We raised our flag. Azerbaijan's flag is flying in all the liberated lands. We have come here through fighting. Nobody handed these lands to us. Negotiations were futile. We realized that we had to liberate our lands on our own, and we did that. We have proved our strength to the whole world by crushing the enemy's head. We forced the enemy to kneel before us and sign the act of capitulation. That is what happened, and the humiliating act of capitulation will go down in history forever". <https://en.president.az/articles/50226>.  
"Everyone saw the fate of those who were trying to annoy us. Let no-one forget this iron fist. We broke the enemy's back. If necessary, we will break it again. Kocharyan-Sargsyan, the Azerbaijani people's enemies, you have brought this place to this condition. I came as the Commander-in-Chief of a victorious army, and I stand here. I stand here on my land. There will be no traces of you here again. We have chased you away like dogs, we have thrown you out, we have sent you to hell". <https://en.president.az/articles/50184>

status without interference.<sup>2</sup> Failure to respect this fundamental right is not only a violation of human rights,<sup>3</sup> but is also one of the main sources of serious and persistent threats to security in the region.

The UN General Assembly Resolution “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States” states that “every State has the duty to refrain from any forcible action which deprives peoples [...] of their right to self-determination and freedom and independence”.<sup>4</sup> The International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights reaffirm the right of all peoples to self-determination.<sup>5</sup> These conventions also oblige States parties to promote the realization of that right, and to respect it, in conformity with the provisions of the UN Charter.<sup>6</sup>

Azerbaijan itself recognized the right of peoples to self-determination, which was enshrined in the Statement of the OSCE Ministerial Council, held in Athens on December 1-2, 2009. The document, endorsed by all OSCE participating States including Azerbaijan, stated: “We urge the parties to sustain the positive dynamic of the negotiations and strongly support their commitment to finalize the Basic Principles on the peaceful settlement of the Nagorno-Karabakh conflict, based on the Madrid Document in order to begin drafting a comprehensive peace agreement in good faith and without delay. The Ministers reaffirmed their commitment to work intensively to resolve the remaining issues, to reach an agreement based, in particular, upon the principles of the Helsinki Final Act of Non-Use of Force or Threat of Force, Territorial Integrity, and the Equal Rights and Self-Determination of Peoples”.<sup>7</sup>

The stance, supporting the right to self-determination, was once again reiterated in the Baku Declaration of the 18th Summit of the Heads of State and Government of the Non-Aligned Movement, wherein Azerbaijan reaffirmed its “principled positions concerning the right to self-determination of peoples under foreign occupation and colonial or alien domination”.<sup>8</sup>

Today, in the process of ongoing peace negotiations, Azerbaijan cannot ignore the right of the people of Artsakh to self-determination. It cannot do so while at the same time employing military force, rather than peaceful negotiations, to find a resolution to the conflict. Azerbaijan must not only be condemned for doing so, but also be stopped in light of its statements supporting a people’s right to self-determination.

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<sup>2</sup> Charter of the United Nations, 24 October 1945, 1 UNTS XVI Article 1(2).

<sup>3</sup> According to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993, “The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right”.

<sup>4</sup> General Assembly resolution 2625 (XXV), “Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States”.

<sup>5</sup> Article 1 (1) of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights reads as follows: “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

<sup>6</sup> UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, Article 1 (3), available at: <https://www.refworld.org/docid/3ae6b3aa0.html> [accessed 14 February 2021]

<sup>7</sup> Ministerial Statement, Final Documents, 17th OSCE Ministerial Council, Athens, 1-2 December 2009. <https://www.osce.org/files/f/documents/5/0/40690.pdf>

<sup>8</sup> United Nations General Assembly, Seventy-Fourth Session, A/74/542 (8 November 2019) pg. 7, available at: <https://www.undocs.org/en/A/74/542>

Azerbaijan's occupation of the territory of the Republic of Artsakh by military force is a direct consequence of an internationally wrongful act.<sup>9</sup> Its attack on the Republic of Artsakh was committed in violation of both its international commitments to the peaceful settlement of the Azerbaijan-Karabakh conflict and the norms of international law, including international human rights law. Azerbaijan's actions constitute acts of aggression<sup>10</sup> against the people of Artsakh and an assault on their right to life under relevant international instruments.<sup>11</sup> Moreover, during its armed aggression, Azerbaijan widely employed several thousand fighters from terrorist and extremist organizations from the Middle East as mercenaries, which is a flagrant violation of international law, particularly the International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

Accordingly, any legislative and administrative actions taken by Azerbaijan to change the status of the territories of the Republic of Artsakh, including the expropriation of land and properties, the transfer of populations to the occupied territories, and the incorporation of the occupied territories, are patently invalid under international law and do not, and cannot change their status. No territorial acquisition resulting from the threat or use of force shall be recognized as legal.<sup>12</sup> The same is true of its corollary entailing the illegality of territorial acquisition resulting from the threat or use of force.<sup>13</sup>

The current military occupation by Azerbaijan of the territory of the Republic of Artsakh, including the city of Shushi, also cannot change its status. The city of Shushi is an integral part of the Republic of Artsakh in a number of aspects, including territorially, culturally, economically and historically. Any attempt to seize it is a gross violation of the territorial integrity of Artsakh.

The provocative actions by Azerbaijan aimed at disrupting the negotiation process on a final and comprehensive settlement of the Azerbaijan-Karabakh conflict, and consolidating the status quo created as a result of blatant aggression and illegal use of force, deserve the strongest condemnation. Notably, during his visits to the occupied territory of Artsakh, the President of Azerbaijan plainly admitted that he had unleashed the war—and that he had done so contrary to the position of the international mediators, represented by the three co-chairs of the OSCE Minsk Group and the international community as a whole, on the inadmissibility of the use of force to resolve the conflict. Emboldened by its own impunity, Azerbaijan now seeks to impose its will and vision not only on the Armenian sides, but on the entire international order, by establishing the use of force as a valid means by which to

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<sup>9</sup> See the first principle of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970, annex); Charter of the United Nations, 24 October 1945, 1 UNTS XVI Article 2; see *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment of 27 June 1986, I.C.J. Reports 1986, para. 250.

<sup>10</sup> General Assembly resolution 3314 (XXIX), “*Definition of Aggression*”. (“The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof” qualifies as aggression.)

<sup>11</sup> See, e.g., UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Article 3, available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 14 February 2021].

<sup>12</sup> General Assembly resolution 2625 (XXV), “*Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States*”.

<sup>13</sup> *Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America)*, Merits, Judgment of 27 June 1986, I.C.J. Reports 1986, para. 189. (The court noted “the obligation not to recognize territorial acquisitions or special advantages which have been obtained by force”).

resolve conflicts in international relations. This cannot be condoned, and it must be condemned.

Only a just settlement — one that will both eliminate the root cause of the conflict associated with Azerbaijan's unwillingness to recognize the rights of the people of Artsakh and reverse the consequences of the illegal use of military force by Azerbaijan — will re-institute the primacy of the peaceful resolution of disputes and unseat the ill-conceived precedent that Azerbaijan seeks to impose on the international order.

In this regard, the settlement of the Azerbaijan-Karabakh conflict must include the following fundamental elements:

- The determination of the status of Artsakh based on the recognition of the will of the people of Artsakh and their inalienable right to self-determination;
- the restoration of the territorial integrity of the Republic of Artsakh, within which the people of Artsakh realized their right to self-determination and established their statehood;
- the de-isolation of Artsakh and involvement of its people in international processes; and
- the determination of a reasonable time frame for the final settlement of the conflict to prevent the negotiation process from being prolonged and risking the situation being frozen.

The timely and just settlement of the Azerbaijan-Karabakh conflict is imperative to transform the South Caucasus into a peaceful, stable, and prosperous region. The status quo created as a result of aggression and illegal use of force by Azerbaijan is neither acceptable under international law, nor sustainable for ensuring a lasting peace in the region.

Stepanakert  
February 23, 2021

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