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## 2016 年 4 月 21 日亚美尼亚常驻联合国代表给秘书长的信

奉我国政府指示，我谨写信向你通报，2016 年 4 月 2 日凌晨，阿塞拜疆武装部队违反 1994 年三方停火协定和 1995 年关于巩固停火的三边协定这两项无时限的协定，动用重型火炮、多管火箭发射器、重型火焰喷射器、装甲车、坦克和空军，沿纳戈尔诺-卡拉巴赫接触线发动了大规模军事行动。纳戈尔诺-卡拉巴赫防卫军的阵地及民用基础设施和居民区受到猛烈攻击。

对于在纳戈尔诺-卡拉巴赫马图尼镇平民不分青红皂白的轰炸炸死了 12 岁的 Vaghinak Grigoryan、炸伤另两名 12 岁的学童。阿塞拜疆武装部队入侵纳戈尔诺-卡拉巴赫的马尔塔克尔特地区 Talish 村并从事了野蛮行径，包括对 Marusya Khalapyan 女士、Razmela Vardanyan 女士和 Valeri Khalapyan 先生三名老年平民的酷刑、残害和杀害。纳戈尔诺-卡拉巴赫防卫军三名士兵 Karam Sloyan、Hayk Toroyan 和 Hrant Gharibyan 被残暴地斩首。一段显示一名纳戈尔诺-卡拉巴赫防卫军士兵被割下的头颅的录像，在阿塞拜疆的城镇、村庄和社会网络上公开地得意展示。纳戈尔诺-卡拉巴赫战俘、人质和失踪人员问题国家委员会在红十字国际委员会代表在场情况下记录了由阿塞拜疆一方移交的遗体上显示严重酷刑和残害的伤痕。纳戈尔诺-卡拉巴赫检察长办公室对阿塞拜疆武装部队在 2016 年 4 月 2 日至 4 日期间严重违反国际人道主义法准则的行为提起了刑事起诉。我谨此附上检察长办公室的参考资料(见附件一)\* 和国家委员会 4 月 11 日的声明(见附件二)\*\*。

\* 附件一仅以提交语文分发。

\*\* 附件二仅以英文和俄文分发。



业已适当提请联合国人权事务高级专员注意上述及其他严重违反核心国际文书的事件，相关文书包括《世界人权宣言》、《公民及政治权利国际公约》、《禁止酷刑和其他残忍，不人道或有辱人格的待遇或处罚公约》、《儿童权利公约》和《1949 年日内瓦四公约》。

4 月 5 日，就停止敌对行动和 1994 年 5 月恢复“停火协定”达成了口头协议。然而，阿塞拜疆继续违反 1994 年的“停火协定”。4 月 2 日至今，纳戈尔诺-卡拉巴赫遭受的伤亡人数共计 96 人。

1994 年签署三方停火协定以来，阿塞拜疆持续违反协议，而 2014 年和 2015 年期间违反协定和使用重型火炮的情况特别严重。阿塞拜疆以军事手段解决冲突的企图十分明显，而且正在逐步加剧该区域的紧张局势。在推行这些政策的同时，还断然拒绝建设性地参与欧洲安全与合作组织(欧安组织)明斯克小组共同主席主持的和平解决冲突谈判，而谈判旨在执行建立信任和安全措施、特别是设立调查违反停火行为的机制，加强欧安组织轮值主席个人代表办公室的职能。利用纳戈尔诺-卡拉巴赫违反停火的借口来为其大规模军事进犯辩护的背信弃义的企图已被完全摒弃。此外，阿塞拜疆最近的军事升级延续了该国在最高层煽动对亚美尼亚人的仇恨的长期政策，导致包括青年在内的阿塞拜疆社会的极端激进化。

亚美尼亚一直通过联合国及其他途径，警告国际社会关注阿塞拜疆的侵略政策，关注后者拒不承诺在商定的欧安组织明斯克小组共同主席的模式下实现和平解决。阿塞拜疆最近发动的军事行动规模空前，而且动用的武器种类和造成的损失也是空前的。阿塞拜疆军事行动如果继续下去可能导致危险的后果，其全部后果均将由阿塞拜疆当局承担。亚美尼亚和纳戈尔诺-卡拉巴赫对于局势的升级既没有任何理由、利益、需要，也没有任何目的。两方一贯重申对和平解决冲突的充分承诺，对旨在巩固停火制度而建立信任措施重申了充分的承诺。这一立场仍然是坚定不移的。最近的升级和随之发生的暴行证明了对纳戈尔诺-卡拉巴赫人民持续存在的威胁，证明在阿塞拜疆的统治下当地人民不可能有自己的前途。阿塞拜疆对亚美尼亚人的暴行使人联想到在苏姆盖特、巴库、基罗瓦巴德和在其他地方冲突后屠杀亚美尼亚人的往事。纳戈尔诺-卡拉巴赫人民有权实行自卫。而作为对其人身安全的保证，亚美尼亚将与他们站在一起。

亚美尼亚和纳戈尔诺-卡拉巴赫强调指出，为解决眼下燃眉之急的目标，亟需充分遵循阿塞拜疆、纳戈尔诺-卡拉巴赫和亚美尼亚之间的 1994 年三方停火协定，停止一切违反停火的行为，将部队撤回到其 4 月 1 日掌握的阵地和设施，立即建立一个调查违反停火行为的机制，并加强欧洲安全与合作组织(欧安组织)轮值主席个人代表办事处的职能。同样重要的当务之急是必须根据共同主席国的五项声明中阐述的原则和要点，全面重启关于和平解决冲突的谈判。

亚美尼亚已经对包括联合国秘书长在内的国际社会表示了赞赏，赞赏国际社会毫不含糊地谴责最新的军事升级，坚定不移地支持欧安组织明斯克小组共同主

席这一唯一商定的和平解决冲突的模式所开展的活动。然而，也有必要点名指出阿塞拜疆并追究其使用武力和威胁该地区的和平与安全的责任。国际社会内基于偏见和宗教归属的任何立场均应予以摒弃。应当进一步阻止阿塞拜疆挑选诉讼地和滥用联合国、歪曲安全理事会决议的目的和实质内容的行为，并应敦促它在欧安组织明斯克小组的共同主席这一国际商定的模式下严格遵守和平解决冲突方式。

请将本函及其附件作为大会议程项目 34 的文件和安全理事会文件分发为荷。

常驻代表

大使

祖赫拉卜·姆纳察卡尼杨(签名)

**Annex I to the letter dated 21 April 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

**Reference of the Office of the Prosecutor General on criminal cases initiated in relation to serious violations by the armed forces of the Republic of Azerbaijan of the norms of international humanitarian law during armed clashes from 2 to 4 April 2016**

**1. Criminal Case No. 131006.16 on elements of crimes provided for in paragraph 1, part 1, of article 416 (Serious Violations of International Humanitarian Law during Armed Conflicts), paragraphs 1 and 6, part 2, of article 416, and paragraph 2, part 3, of article 416 of the Criminal Code of the Nagorno Karabakh Republic**

During 2 and 3 April 2016, Azerbaijani armed forces, aiming to achieve military advantage, in flagrant violation of international law, using prohibited means and methods of warfare and gravely violating norms of international humanitarian law, indiscriminately attacked civilian population in the deep rear of the line of contact. In the village of Talish of the NKR Martakert region, Azerbaijani armed forces with particular cruelty, deliberately and unlawfully deprived Razmela Vardanyan (born in 1956), Valerik Khalapyan (born in 1951) and Marusya Khalapyan (born in 1924) of their lives by:

- Inflicting a gunshot wound in the right side of the face, mutilation of both ears, four gunshot wounds to the left arm, two gunshot wounds to the left side of the chest and two in the back of Razmela Vardanyan
- Gunshot wounds on the right buccal part, left part of the lower jaw, right lateral surface of the neck with damage to the carotid artery, mutilation of both ears, multiple gunshot wounds to the chest and the back of Valerik Khalapyan, as well as an injury to the right temporal part
- Gunshot wounds to the left side of the upper jaw, left lateral part of the neck, the shoulder, left lateral part of the back and mutilation of the left ear of Marusya Khalapyan

As part of the same criminal case, a preliminary investigation on the following incidents is also under way:

On 4 April 2016, at around 2.30 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the civilian objects in the residential areas of Martouni town. As a result, a resident of the same town, Irina Baghdasaryan (born in 1958), received shrapnel wounds to the right arm and the surface of the rear chest wall.

On 4 April 2016, at around 7 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, as well as with the aim of intentional destruction of particularly large amounts of property, using rocket artillery systems, in a manner dangerous to the lives of many, shelled

the civilian objects in the residential areas of Askeran town. As a result, a cafeteria owned by a resident of the same town, Eric Gabrielyan (born in 1978), suffered damages, causing the latter a particularly large amount of material loss.

**2. Criminal Case No. 171010.16 initiated on 2 April 2016 under paragraphs 6 and 14, part 2, of article 103 (Murder), and paragraphs 1, 6 and 14, part 2, of article 103 of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 8.40 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Zoravan of the Martouni region. As a result, a resident of the village of Her-Her of the same region, Vagharshak Tatoul Grigoryan (born in 2004), receiving shrapnel wounds to the neck, trachea, the oesophagus and the left carotid artery, died on the spot. Three other residents of the same community were wounded. Vardan Vladik Andreassian (born in 2005) received a shrapnel wound in the upper third of the thigh and fracture of the femoral bone, while Gevorg Tatoul Grigoryan (born in 2005) got a shrapnel wound of the thigh with extensive soft tissue injury, and Gorik Tatoul Grigoryan (born in 2005) received a scratch on the eyebrow.

**3. Criminal Case No. 161013.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 6.30 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Madaghis of the Martakert region. As a result, the head of the same community, Zaven Somik Avanesyan (born in 1985), received multiple shrapnel wounds to the head and torso.

**4. Criminal Case No. 161014.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 9 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Tsovinar Vladimir Aghajanyan (born in 1961), received shrapnel injuries to the upper third of the right arm bone.

**5. Criminal Case No. 161015.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 9 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using

rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Garegin Vladimir Aghajanyan (born in 1973), received abdominal shrapnel wounds.

**6. Criminal Case No. 161016.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 7.55 p.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Madaghis of the Martakert region. As a result, a resident of the same village, Kamo Arshavir Abrahamyan (born in 1961), received multiple shrapnel wounds to the body.

**7. Criminal Case No. 161017.16 initiated on 2 April 2016 under article 33 (Attempt to commit a crime) and paragraphs 6 and 14, part 2, of article 103 (Murder), of the Criminal Code of the Nagorno Karabakh Republic**

On 2 April 2016, at around 3 a.m., Azerbaijani armed forces on the grounds of national, racial or religious hatred or religious fanaticism, and for the purpose of intentional and unlawful deprivation of the lives of two or more persons, using rocket artillery systems, in a manner dangerous to the lives of many, shelled the village of Talish of the Martakert region. As a result, a resident of the same village, Kamo Garik Ohanyan (born in 1999), received shrapnel injuries to the left knee.

9 April 2016

**Annex II to the letter dated 21 April 2016 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

[Original: English and Russian]

**Statement of the State Commission on Prisoners of War, Hostages and Missing Persons**

On 10 April, in accordance with the arrangement reached earlier, the State Commission on Prisoners of War, Hostages and Missing Persons of the Nagorno Karabakh Republic, through the mediation of the International Committee of the Red Cross and the Office of the Personal Representative of the Chairman-in-Office of the Organization for Security and Cooperation in Europe, carried out the exchange of bodies of the deceased between the Nagorno Karabakh Republic (NKR) and Azerbaijan near the Bash Karvend settlement. The bodies of 18 servicemen of the NKR Defence Army, fallen as a result of the large-scale military aggression unleashed by Azerbaijan from 2 to 5 April, were transferred to the NKR side during the exchange.

At the presence of the representatives of the International Committee of the Red Cross, the NKR State Commission on Prisoners of War, Hostages and Missing Persons registered that all bodies of the deceased transferred by the Azerbaijani side had signs of torture and mutilation.

Those acts, being a flagrant manifestation of inhumanity, run counter to the laws and customs of war and are in grave violation of international humanitarian law, in particular, the Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), Geneva Convention (III) relative to the Treatment of Prisoners of War (1949) and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I).

The Karabakh side will seek to ensure that such behaviour of the Azerbaijani side is condemned in the strongest terms by the international community and the specialized agencies, and those responsible are brought into account.

11 April 2016