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**Protracted conflicts in the GUAM area and their
implications for international peace, security
and development**

The situation in the occupied territories of Azerbaijan

Letter dated 7 February 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

The ongoing armed conflict between Armenia and Azerbaijan began at the end of 1987 with the former's unlawful and groundless territorial claims on the Nagorno-Karabakh autonomous oblast of Azerbaijan. Those claims marked the beginning of the assaults on the Azerbaijanis in and their expulsion from the autonomous oblast and Armenia itself.

At the end of 1991 and the beginning of 1992, Armenia unleashed full-scale war against Azerbaijan. As a result, a significant part of the territory of Azerbaijan, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves, was occupied by Armenia. That period has been accompanied by an increase in the magnitude, intensity and consistency of the attacks on Azerbaijani civilians in the Nagorno-Karabakh region and in the surrounding districts of Azerbaijan.

The war waged by Armenia claimed the lives of tens of thousands of people and ruined cities, towns and villages; thousands of people went missing in connection with the conflict; and all captured areas were ethnically cleansed of their Azerbaijani population. These acts were committed by the Armenian side on a widespread and systematic basis and amount to crimes under international law.

Twenty-seven years ago, the largest massacre during the conflict was committed against the civilians and defenders of the town of Khojaly, in the Nagorno-Karabakh region of Azerbaijan. Before the war, 7,000 people lived in that town. From October 1991, the town was entirely surrounded by the Armenian forces. In the night of 25 to 26 February 1992, following massive artillery bombardments, the assault on the town began from various directions. As a result of the attack and capture of the town, hundreds of Azerbaijanis, including women, children and the elderly, were killed, wounded or taken hostage, while the town was razed to the ground.



The international community strongly condemned the Armenian side for the use of military force against Azerbaijan and for serious violations of international humanitarian law committed in the course of the war.¹

In addition to the solid evidence in possession of the law enforcement agencies of Azerbaijan, the responsibility of Armenia and its political and military leadership for the crimes committed in Khojaly and elsewhere in the occupied territories of Azerbaijan is recognized and documented also by numerous independent sources, consisting of the testimonies of witnesses to the tragedy, statements by authoritative international institutions, the findings of independent investigations by foreign journalists, human rights activists and authoritative international non-governmental organizations.² Suffice it to refer to some of them.

Thus, Human Rights Watch/Helsinki responded as follows to attempts by Armenia to obfuscate this human rights organization with fabrications:

Our research and that of the Memorial Human Rights Centre found that the retreating militia fled Khojaly along with some of the large groups of fleeing civilians. Our report noted that by remaining armed and in uniform, the Azerbaijani militia may be considered as combatants and thus endangered fleeing civilians, even if their intent had been to protect them. *Yet we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of [the Centre] includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.*³

Based on the findings of its independent investigation, the Memorial Human Rights Centre stated the following:

- “there was mass violence upon the civilians of Khojaly during the military operation to take this town”
- “the mass murder of civilians in the ‘free corridor’ zone and adjacent territory cannot be justified under any circumstances”
- “the civilians remaining in Khojaly after it was taken by Armenian detachments were deported”
- “these actions were carried out in an organized manner”
- “there was violent treatment of the detained inhabitants of Khojaly”

¹ See, for example, Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993); Declaration adopted by the Committee of Ministers of the Council of Europe on 11 March 1992 at the 471bis meeting of the Ministers’ Deputies; Council of the Conference on Security and Cooperation in Europe, Communication No. 284, Prague, 26 October 1993; Council of the Conference on Security and Cooperation in Europe, Communication No. 301, Prague, 19 November 1993; and Resolution 1416 (2005) of the Parliamentary Assembly of the Council of Europe, entitled “The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference”, 25 January 2005.

² For more information, see www.justiceforkhojaly.org and Fiona Maclachlan and Ian Peart, eds., *Khojaly Witness of a War Crime: Armenia in the Dock* (Reading, United Kingdom of Great Britain and Northern Ireland, Ithaca Press, 2014).

³ Letter dated 24 March 1997 from the Executive Director of Human Rights Watch/Helsinki addressed to the Minister for Foreign Affairs of Armenia, available at www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh. Emphasis added.

- “the actions by the Armenian units of Nagorno Karabakh towards the civilians of Khojaly during the assault on the town are a gross violation of the Geneva Convention and also of the ... Universal Declaration of Human Rights”⁴

As one author has observed, “a key component of the Karabakh insurgency’s strategy was the cleansing of Azeri civilians from towns and villages inside Nagorno-Karabakh and in the territories separating Nagorno-Karabakh from Armenia”. In order to achieve that objective, “major Azeri towns in the region ... were looted, burned, and ‘systematically levelled so that only foundations remain’ and their Azeri populations were forcibly expelled”. The author further notes that “one of the most vicious expulsions took place during an attack on Khojali in February 1992”, where Armenian forces killed hundreds of Azerbaijani civilians, “many of whom were unarmed and were killed while fleeing across open territory”.⁵

Furthermore, pronouncements by Armenia’s high-ranking officials, including the former President of Armenia, Serzh Sargsyan,⁶ along with publications of Armenian authors,⁷ also contribute to corroborating the facts on the ground. Thus, among others, Jirair Libaridian, who was chief adviser to the first President of Armenia, Levon Ter-Petrossian, at the time of the Khojaly massacre, admitted that “it is very difficult for an Armenian to write about Khojali” because “something unacceptable did happen, something that involved killings and mutilation of Azeri civilians by Armenian forces in Karabakh”.⁸

In his report on the protection of civilians in armed conflict, the Secretary-General notes in particular that “fundamental to ensuring respect for international law is ensuring accountability for violations”.⁹

Unfortunately, the perpetrators of the crimes committed in Khojaly and elsewhere in the occupied territories of Azerbaijan continue to enjoy impunity. It is critically important that the international community think about what happened in Khojaly and in other cities, towns and villages of Azerbaijan that were seized and devastated by Armenia and unequivocally reject the denial by Yerevan of its responsibility for waging war and committing the most serious international crimes. Being an inevitable consequence of the offences committed, accountability is also an essential prerequisite on the path to peace and long-lasting reconciliation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35 and 41, and of the Security Council.

(Signed) Yashar Aliyev
Ambassador
Permanent Representative

⁴ Report by the Memorial Human Rights Centre on massive violations of human rights committed in the seizure of Khojaly during the night of 25 to 26 February 1992, in Maclachlan and Peart (eds.), *Khojaly Witness of a War Crime: Armenia in the Dock*.

⁵ Jessica A. Stanton, *Violence and Restraint in Civil War: Civilian Targeting in the Shadow of International Law* (New York, Cambridge University Press, 2016).

⁶ See also the interview with Serzh Sargsyan, in Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York and London, New York University Press, 2004). The full transcript of the interview is available at <http://carnegieendowment.org/2012/02/24/president-interview-andtragicanniversary/9vpa>.

⁷ See, for example, Markar Melkonian, *My Brother’s Road: An American’s Fateful Journey to Armenia* (London and New York, I.B. Tauris, 2005).

⁸ Jirair Libaridian, “An Armenian perspective on Khojali”, 19 February 2014.

⁹ S/2018/462, para. 32.