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Letter dated 30 December 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to write you in connection with the letter dated 10 October 2019 from the Permanent Representative of Armenia ([A/74/497-S/2019/810](#)), through which an attempt was made to respond to our letter dated 16 July 2019 ([A/73/953-S/2019/581](#)). However, this attempt is beset with fundamental flaws.

First, the letter of 10 October has as its annex the so-called “memorandum” allegedly on behalf of the puppet regime unlawfully established by Armenia in the occupied Nagorno-Karabakh region of Azerbaijan. We resolutely condemn such an apparent abuse by Armenia of its privilege of being a Member of the United Nations to mislead the international community by means of outright falsifications.

I would like to reiterate the position of Azerbaijan on the matter, which has been consistently expressed (see, for example, [A/72/508-S/2017/836](#), [A/72/889-S/2018/546](#), [A/73/689-S/2018/1167](#) and [A/74/320-S/2019/669](#)), and register once again our strongest protest against the continued circulation by Armenia of various papers in the name of the unlawful regime. Such papers are null and void and must be rejected and disregarded at the outset.

The illegality of the puppet regime has been repeatedly stated at the international level; it is under Armenia’s direction and control and is ultimately nothing other than the product of aggression, racial discrimination and ethnic cleansing.

* Reissued for technical reasons on 13 January 2020.



In its leading judgment of 16 June 2015 in the case of *Chiragov and others v. Armenia*, the Grand Chamber of the European Court of Human Rights established that Armenia exercises effective control over the Nagorno-Karabakh region and other occupied territories of Azerbaijan.¹

Substantial evidence is available from third party, Armenian and Azerbaijani sources to enable the conclusion to be drawn that, since the *Chiragov* judgment in 2015, the process of control exercised by Armenia over the occupied territories of Azerbaijan has quickened and become more deeply embedded.²

The international community has consistently reaffirmed the sovereignty and territorial integrity of Azerbaijan, which includes the Nagorno-Karabakh region and the surrounding areas occupied by Armenia; condemned the occupation of the territories of Azerbaijan; and demanded the immediate, complete and unconditional withdrawal of all Armenian forces from those territories.³

Second, in our above-mentioned letter dated 16 July 2019, we brought to the attention of the United Nations the intolerable situation with regard to the Azerbaijani hostages Dilgam Asgarov and Shahbaz Guliyev, whom the Armenian side continues to arbitrarily detain, in breach of international humanitarian law and international human rights law.

In July 2014, the Armenian armed forces brutally killed an Azerbaijani civilian, Hassan Hassanov, and captured Mr. Asgarov and Mr. Guliyev, while they were attempting to visit the graves of their parents and relatives in the occupied Kalbajar district of Azerbaijan. The Armenian side not only did not release those civilians but also fabricated charges against them and unlawfully sentenced Mr. Asgarov to life imprisonment and Mr. Guliyev to 22 years in jail, while the body of Mr. Hassanov was returned to Azerbaijan, with the facilitation of the International Committee of the Red Cross, after almost three months, on 2 October 2014.

In his statement at the twenty-sixth Ministerial Council of the Organization for Security and Cooperation in Europe, held in Bratislava on 5 and 6 December 2019, the Minister for Foreign Affairs of the Republic of Azerbaijan, Elmar Mammadyarov, specifically referred to the case of Mr. Asgarov and Mr. Guliyev and noted that Armenia stubbornly rejected releasing them, even on the basis of the “all for all” principle.

Instead, Armenia has chosen the path of disseminating unfounded, completely irrelevant and false allegations, the sole purpose of which is to circumvent the question. In that regard, I would like to submit the following:

- Mr. Asgarov and Mr. Guliyev were unlawfully arrested, detained, subjected to an ostensible “trial” and convicted to lengthy terms of imprisonment under fabricated charges by an illegal and incompetent organ of the puppet regime that Armenia has established in the occupied territories of Azerbaijan.
- Mr. Asgarov and Mr. Guliyev were subjected to a humiliating arrest and detention with the sole purpose of breaking their physical and moral resistance.

¹ Grand Chamber of the European Court of Human Rights, *Chiragov and others v. Armenia*, application No. 13216/05, judgment (merits) of 16 June 2015, paras. 180, 183, 185 and 186.

² See, for example, annex to the letter dated 15 August 2016 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, entitled “Illegal economic and other activities in the occupied territories of Azerbaijan”, [A/70/1016-S/2016/711](#); and identical letters dated 20 May 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council on the joint report of the Azerocosmos OJSCo and the Ministry of Foreign Affairs of Azerbaijan entitled “Illegal activities in the territories of Azerbaijan under Armenia’s occupation: evidence from satellite imagery”, [A/73/881-S/2019/420](#).

³ See Security Council resolutions [822 \(1993\)](#), [853 \(1993\)](#), [874 \(1993\)](#) and [884 \(1993\)](#).

As is seen in the video footage released by the Armenian media, people in masks harshly wrung the arms of Mr. Asgarov, pointed a gun at him and dragged him into somebody's office. As is clearly seen in another video, both Azerbaijani hostages were brought to the "court" blindfolded, and there were military and masked special forces personnel present during the "trial".

- Mr. Asgarov and Mr. Guliyev were not told of the reasons for their arrest or informed of the charges against them and were detained incommunicado for at least several days. Their relatives were not informed of the detention. The "hearings" concerning the detention were held in camera; no public scrutiny was available.
- Mr. Asgarov and Mr. Guliyev were not presumed innocent, as Armenian officials made public statements in which they were called "hired criminals", "saboteurs" and "murderers" before and during the "trial".
- Mr. Asgarov and Mr. Guliyev were not informed of the charges against them in a language they understood and were not given adequate assistance through interpretation. The "trial" was conducted in Armenian, which the two men did not understand. They were not given sufficient time to examine the materials of the "investigations" or to lodge an appeal.
- Mr. Asgarov and Mr. Guliyev were deprived of access to lawyers of their own choice. Their so-called "lawyers" were appointed by the puppet regime and were the members of "the NKR Bar Association", in itself an illegal institution of the unlawful entity. These "lawyers", who were not independent and unbiased, demonstrated complete indifference to their clients and even provided wrong information to the public to discredit them.
- Mr. Asgarov and Mr. Guliyev were denied the right to return to their homeland and visit the graves of their parents and relatives, and their right to freedom of movement was infringed without legitimate aims. They travelled within the territory that is internationally recognized as belonging to the Republic of Azerbaijan. It should be noted in particular, in this connection, that Security Council resolution [822 \(1993\)](#), the first in a series of four Council resolutions on the Armenia-Azerbaijan conflict, used the explicit term "invasion" to describe the Armenian attack against "the Kelbadjar district of the Republic of Azerbaijan". The Council expressed "grave concern at the displacement of a large number of civilians" in that district and called for "immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan".
- Mr. Asgarov and Mr. Guliyev are presently kept in complete isolation in prison, without contact with other inmates and without mail, news and – except for visits by the International Committee of the Red Cross – contact with the outside world. They are not permitted to contact independent lawyers or receive visits from their families. They are also experiencing health problems and are deprived of food and medicine by mail.
- The humiliating arrest and arbitrary detention of Mr. Asgarov and Mr. Guliyev and the sentence that had no legal basis or legitimacy, coupled with the imprisonment conditions under which they are living, are particularly serious and cruel and amount to acts of torture within the meaning of the relevant international human rights instruments.
- Mr. Asgarov and Mr. Guliyev were subjected to discriminatory treatment because of their ethnicity and national origin.

- Mr. Asgarov and Mr. Guliyev did not have an effective remedy against their illegal and most violent apprehension, arbitrary detention, prosecution and conviction to lengthy terms of imprisonment.
- Armenia's responsibility under international law for the above-mentioned acts against Mr. Asgarov and Mr. Guliyev is based on its occupation and effective control of the territories of Azerbaijan. The violation of their rights is now the subject of a complaint before the European Court of Human Rights.⁴

The Republic of Azerbaijan expects that the United Nations, including its relevant human rights mechanisms and procedures, will not remain indifferent to the fate of Mr. Asgarov and Mr. Guliyev and will spare no efforts to ensure their immediate and unconditional release and reunification with their families.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 32, 37, 68, 70, 75 and 83, and of the Security Council.

(Signed) Yashar **Aliyev**
Ambassador
Permanent Representative

⁴ European Court of Human Rights, *Asgarova and Veselova v. Armenia*, application No. 24382/15, lodged 15 May 2015, pending.