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***On biased statements by Ms. Alice Wairimu Nderitu, United Nations Special Advisor
on the Prevention of Genocide***

In its previous communications and meetings with the United Nations Special Advisor on the Prevention of Genocide, Ms. Alice Nderitu, the Permanent Mission of Azerbaijan has been compelled to remind the importance of preventing the abuse of the United Nations to promote the ideas that are inconsistent with the purposes and principles of the Charter of the Organization and, in that regard, has expressed the hope that the Office of the Special Advisor will not allow itself to be involved in political campaigns against Member States. Unfortunately, the statements of the Special Advisor “on the situation in Armenia and Azerbaijan” dated 22 September and 10 October 2023 have once again become a source of dishonest propaganda and manipulations.

Thus, in their public pronouncements, including in the United Nations, the government officials and diplomats of Armenia enthusiastically quote the Special Advisor, in particular her groundless assertions about the “risk of genocide and atrocity crimes” to which the Armenians are allegedly exposed. In that regard, the following need to be pointed out:

- The 1993 Security Council resolutions (822, 853, 874 and 884) demanded immediate, complete and unconditional withdrawal of the Armenian forces from all the occupied territories of Azerbaijan. Armenia simply ignored these demands. The trilateral statement of November 2020, which ended the war in the fall of that year, again committed Armenia to withdraw its armed forces from the territory of Azerbaijan.¹ However, Armenia disregarded this commitment as well, maintaining more than ten thousand troops in the Armenian-populated areas of the Garabagh region of Azerbaijan where the Russian peacekeeping contingent was temporarily deployed and continuing to transfer weapons, military equipment and soldiers there, including by the apparent abuse of the humanitarian designation of the Lachin road.
- Armenia further refused to disclose the locations of the hundreds of thousands of landmines it laid on the territory of Azerbaijan. As a result, since November 2020, 64 citizens of Azerbaijan were killed and 267 injured by mine explosions.
- Armed provocations have become more frequent in recent months. Accumulation of additional military equipment and manpower, installation of long-term fortifications, re-planting of mines in already demined areas, conducting drone-surveillance and reconnaissance-subversion operations inside the territory of Azerbaijan and even interfering with GPS satellite navigation systems of local and foreign passenger aircrafts flying in Azerbaijan’s airspace are just some of them.

¹ Statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation, paragraph 4, S/2020/1104.

- On 19-20 September 2023, following deadly terrorist acts that caused numerous casualties among its civilians and military, Azerbaijan undertook the local counter-terrorism measures against the Armenian armed forces illegally deployed and present on the territory of Azerbaijan. These measures were carried out in full accordance with the rights and responsibilities vested in States under the Charter of the United Nations and international law, and in strict compliance with international humanitarian law.
- They lasted less than 24 hours, targeted exclusively legitimate military objects and strictly adhered to the principle of distinction and feasible precautions to avoid civilian casualties. On multiple occasions, appeals were issued to civilians, calling them not to take arms, not to wear military uniform and stay away from military objects.
- The counter-terrorism measures culminated in the dissolution of the former occupation regime and its structures and the surrender and disarmament of the Armenian armed forces on the territory of Azerbaijan. Offensive weaponry and military equipment seized from surrendering troops, including tanks, armored vehicles, artillery, rockets, air-defense systems, mortars, electromagnetic warfare equipment and millions of ammunition, reveal the shocking extent of militarization of the region and Armenia’s contempt for its international obligations.
- Thousands of Armenian servicemen and members of illegal armed formations who laid down arms were set free as a humanitarian gesture and allowed to leave the territory of Azerbaijan.
- As to the residents who decided to leave, it was their free choice, although the Government of Azerbaijan called on them to stay. Hundreds of them attested publicly that they had not been forced by Azerbaijan to leave.
- On the contrary, there is credible evidence suggesting that Armenia and its former occupation regime in the Garabagh region of Azerbaijan persuaded the residents to depart and not return. This is necessary for Armenia to sustain its anti-Azerbaijan smear campaign and also to reject the right of hundreds of thousands of Azerbaijani refugees to return to their homeland in Armenia.
- It is noteworthy that on 22 September, the Special Advisor alerted about the “risk of genocide and atrocity crimes”, while the Prime Minister of Armenia a day earlier, on 21 September, stated that “rumors about mass casualties among the civilian population are not true” and that “there is no direct threat to the civilian population”.²
- On 29 September 2023, the representative of the United Nations High Commissioner for Refugees (UNHCR) confirmed that “[s]o far there are no recorded incidents, no reported incidences of any mistreatment” and that “there have been no reported cases of any mistreatment by the Azeris”. She also noted that, according to the residents who were interviewed by the UNHCR, “they were allowed to leave quite freely” and “[n]obody shared instances of being harassed”.³

² See, for example, <https://www.interfax.ru/world/922018>; <https://ru.armeniasputnik.am/20230921/armiya-oborony-nk-sokhranila-pozitsii-po-sostoyaniyu-na-20-sentyabrya--pashinyan-66235018.html>.

³ Available at: <https://media.un.org/en/asset/k1g/k1gvc8zwrld>.

- On 2 October 2023, the United Nations mission that visited the Garabagh region of Azerbaijan a day earlier reported that it “saw no damage to civilian public infrastructure, including hospitals, schools and housing, or to cultural and religious structures”, “did not observe any destruction of agricultural infrastructure” and “did not come across any reports – neither from the local population interviewed nor from the interlocutors – of incidences of violence against civilians following the latest ceasefire.”⁴
- Special Advisor Nderitu simply ignored these findings in her October statement, relying instead on “allegations” and anonymous “reports”.
- Azerbaijan is determined to reintegrate local Armenian residents as equal citizens and confirmed that those who left can return to be part of the multiethnic Azerbaijan society. The Constitution, national legislation and international commitments of Azerbaijan provide the solid grounds to this end. The President of Azerbaijan established a working group led by the Deputy Prime Minister to address social, humanitarian, economic and infrastructure issues in the Garabagh region of Azerbaijan. The working group was also tasked with determining the legal status of the residents. In that regard, the Government has already started their voluntary registration, which is carried out electronically through a special portal created by the State Migration Service. On-site reception of applications has also been organized in this Service’s office in Khankandi. Additionally, subsequent efforts have been identified with a view to implementing confidence-building measures.

Consequently, there was no basis to assert the risk of genocide and atrocity crimes either on 22 September or after.

Furthermore, the September statement of the Special Advisor contains selective, one-sided and inaccurate comments with regard to the measures indicated by the International Court of Justice. Thus, the Special Advisor passed over in silence the measure indicated by the Court at the request of Azerbaijan on 7 December 2021, which ordered Armenia to “take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin”.⁵ If the Special Advisor were less selective, she would definitely have alerted the risk of atrocities arising from the numerous reports of Armenia’s non-compliance with this order of the Court.

With regard to the Court’s decision of 6 July 2023, to which the Special Advisor refers, as is known, it followed from a request by Armenia that the Court order Azerbaijan to remove the border checkpoint it established at the entrance to the Lachin-Khankandi road. The Court’s decision of 6 July 2023 to reject this request was a unanimous decision by all of the Judges of the Court, vindicating Azerbaijan’s sovereign right to secure and protect its borders. However, similar to the distortion techniques widely used by Armenian officials, the Special Advisor omitted this most important part of the Court’s decision.

The mention in the September statement of a side even organized by the Permanent Mission of Armenia on 28 April 2023 and attended by the Special Advisor cannot but cause outrage. As is known, at that event, the sole purpose of which was to promote anti-Azerbaijan propaganda and disseminate misinformation, Azerbaijani diplomats were egregiously and deliberately denied even the opportunity to

⁴ <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>.

⁵ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Azerbaijan v. Armenia)*, Provisional Measures, Order of the International Court of Justice of 7 December 2021, paragraphs 71 and 76 (1).

speak, and this shameful fact occurred with full complicity of the Special Advisor. Although Ms. Nderitu subsequently visited the Permanent Mission of Azerbaijan and expressed regret over what happened, the contents of her biased statements leave no doubt about the need for greater accountability of both State representatives and UN officials in light of the purposes and principles set forth in the Charter of the United Nations and international law.

Most troubling is the Special Advisor's discriminatory approach to human rights, whereby she demonstrates increased care about a particular ethnic group, while completely ignoring another. Otherwise, it is hard to explain the Special Advisors' lack of attention to the rights of hundreds of thousands of Azerbaijanis expelled from Armenia and the formerly occupied territories of Azerbaijan. Ms. Nderitu also never bothered to express concern about the deaths and injuries of hundreds of Azerbaijanis as a result of mine terrorism committed by Armenia and the obstacles to the return of internally displaced Azerbaijanis to their homes caused by the mine threat. Nor has she ever encouraged the Government of Armenia to prosecute and punish the atrocity crimes committed by its forces and to redress for its breaches.

We expect that the United Nations and its Special Advisor on the Prevention of Genocide to remember and insist on accountability for the war that Armenia unleashed, the thousands of civilians whom it executed in acts of mass murder, the massive ethnic cleansing that it carried out, thousands of cities, towns and villages that it razed to the ground and Azerbaijani cultural heritage that it looted, vandalized, desecrated and destroyed.

We further expect that the United Nations and its Special Advisor on the Prevention of Genocide to encourage Armenia to uphold its international obligations, cease and desist from disinformation and hate propaganda, engage faithfully in efforts to build peaceful co-existence and focus on the successful conclusion of negotiations on a peace treaty between the two countries based on their territorial integrity and sovereignty.
