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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

Promotion and protection of human rights

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

In connection with the briefing of the Security Council on an important topic, “Protection of civilians in armed conflict: missing persons in armed conflict”, scheduled to be held on 11 June 2019, I would like to bring to your attention the following.

It is critically important that the Security Council consistently maintain its focus on the protection of civilians affected by armed conflicts and systematically reiterate its demand that parties to armed conflict comply fully with their obligations under international humanitarian law. Among the pressing issues requiring urgent action is that of civilians reported missing in connection with armed conflict.

As is noted in the latest report of the Secretary-General on the protection of civilians in armed conflict, “it is incumbent on parties to conflict to respect and ensure respect for international humanitarian law as it relates to missing persons: to prevent enforced disappearance; to take all feasible measures to account for those reported missing; and to uphold the right of their families to receive information on their fate and whereabouts” (S/2019/373, para. 45).

Azerbaijan continues its consistent efforts to raise awareness of the problem at the international level and further develop the rules-based guidance to that effect, including through the biennial resolution of the General Assembly on missing persons, of which my country is a main sponsor. These efforts of Azerbaijan stem from its keen interest in contributing to the faithful observance of international law and the achievement of sustainable peace in our region and worldwide, as well as from our practical experience in addressing the consequences of aggression, foreign military occupation and ethnic cleansing.



As is known, the continuing aggression by Armenia against Azerbaijan has led to the temporary occupation of a significant part of Azerbaijan's territory, including the Nagorno-Karabakh region, the seven adjacent districts and some exclaves. The war has claimed the lives of tens of thousands of people, ruined cities and livelihoods in my country and resulted in the forcible expulsion of more than 1 million Azerbaijanis from their homes and properties. Serious violations of international humanitarian law amounting to war crimes, crimes against humanity and acts of genocide were committed by the Armenian armed forces in the course of the aggression.

As at 1 May 2019, 3,888 citizens of Azerbaijan, of whom 3,170 are servicemen and 718 are civilians, were registered missing in connection with the conflict. Among the civilians, 71 are children, 266 are women and 326 are elderly persons. It has been established that 871 of the 3,888 missing persons were taken as either prisoners of war or hostages, including 604 servicemen and 267 civilians, of whom 29 are children, 98 are women and 112 are elderly persons.¹

The State Commission on Prisoners of War, Hostages and Missing Persons was set up in Azerbaijan in 1993 to deal directly with the search for missing persons and hostages. The Commission regularly collects and analyses relevant information and has developed a comprehensive database on missing persons. The Commission has also established close contacts with relevant international organizations, especially the International Committee of the Red Cross (ICRC).

Taking into account the aforementioned, I would like to submit the following:

- 3,888 citizens of Azerbaijan went missing in connection with the war waged by Armenia against Azerbaijan.
- Those reported missing disappeared in circumstances raising serious concern as to their well-being, particularly given the atrocious methods of warfare widely practised by the Armenian armed forces during the conflict.
- A clear list of missing citizens of Azerbaijan has been submitted to Armenia through ICRC and regularly updated. Armenia can be in no doubt as to the identity of those missing persons.
- Armenia is in breach of international law for refusing to account for the missing persons within its control, as well as for refusing to conduct a prompt and effective investigation into the fate of the missing persons and into the existing evidence that at least 871 of them have been taken into its custody and have not been seen since.
- Armenia is also in violation of international law insofar as the additional suffering imposed upon the relatives of the missing persons is concerned, owing to the obstructive attitude it has adopted in this matter.
- Armenia's international responsibility involves legal consequences, including the obligation to provide adequate compensation, while individuals responsible for violations with regard to the citizens of Azerbaijan reported missing in connection with the conflict should face penal or other sanctions at the national and international levels.
- It is important that all States cooperate and undertake necessary efforts in order to bring to an end both such breaches of international law and the impunity enjoyed by their perpetrators.

¹ For more information, see the website of the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Azerbaijan, www.human.gov.az.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 41 and 74, and of the Security Council.

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