



# General Assembly Security Council

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Agenda items 35, 40, 86 and 135

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**Security Council  
Seventy-fifth year**

## **Letter dated 3 November 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

Despite the humanitarian ceasefire agreed on 10 October and reaffirmed on 17 October and 25 October 2020 and the meeting of the Ministers for Foreign Affairs of Armenia and Azerbaijan with the co-chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, held on 30 October 2020 in Geneva, missile and artillery attacks by the armed forces of Armenia against the cities, towns and villages of Azerbaijan continue to date.

Barbaric and cowardly strikes on the cities of Ganja and Barda, which are located far away from the area of active hostilities, must be particularly mentioned.

Ganja, the second largest and densely populated city of Azerbaijan, has been attacked three times. Two of the attacks, on 11 and 17 October, were launched from the territory of Armenia in the night hours and included the use of Scud ballistic missiles, causing the deaths of 25 civilians, including children, and injuring more than 84 civilians.

On 28 October 2020, the attack on the city centre of Barda with Smerch multiple-launch rocket systems, which United Nations High Commissioner for Human Rights Michelle Bachelet characterized as “the biggest single loss of life”,<sup>1</sup> claimed the lives of 21 civilians, including children, and injured more than 70 civilians.

<sup>1</sup> “Nagorno-Karabakh conflict: Bachelet warns of possible war crimes as attacks continue in populated areas”, 2 November 2020. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464&LangID=E).



Between 30 October and 3 November 2020, the Dashkesan, Gadabay, Gazakh, Gubadli, Tovuz and Zangilan districts of Azerbaijan were shelled from the Berd, Chambarak, Gorus, Noyemberyan and Vardenis districts of Armenia.

Moreover, the Aghdam, Aghjabadi, Fuzuli, Goranboy and Tartar districts of Azerbaijan were subjected to rocket and heavy artillery fire from the occupied territories of Azerbaijan. As a result of the attacks, a school in Mahrizli village in the Aghdam district was damaged.

On 2 November, an employee of the Azerbaijan National Agency for Mine Action (ANAMA) was seriously injured by an anti-personnel mine placed by the armed forces of Armenia in the Jabrayil district of Azerbaijan.

In total, since 27 September 2020, as a result of direct and indiscriminate attacks by the armed forces of Armenia, 91 civilians, including 11 children, have been killed, more than 450 civilians have been wounded and some 2,488 private houses, 97 apartment buildings and 461 other civilian objects, including schools, kindergartens, hospitals, religious sites and cultural monuments, have been either destroyed or damaged.

As at 2 November 2020, ANAMA had found 314 items of unexploded ordnance, 1,173 bomblets from 9N235 cluster munitions, 698 exploded missile parts, 1,627 anti-personnel mines and 276 pieces of anti-tank mines and explosives from 476 anti-tank mines. Armenia has also used the prohibited white phosphorus projectiles in the Fuzuli and Tartar districts and in the Shusha forests. Some of the unexploded ordnance containing such projectiles were neutralized by ANAMA.

The United Nations High Commissioner for Human Rights has emphasized with regard to a rocket attack on the Azerbaijani city of Barda that “the rockets, allegedly fired by Armenian forces from Nagorno-Karabakh, reportedly carried cluster munitions”.<sup>2</sup>

The use by Armenia of the prohibited weapons has been recently confirmed by reputable international non-governmental organizations.

Amnesty International has stated the following:

Amnesty International has verified the use of banned cluster bombs by Armenia for the first time in the current Nagorno-Karabakh conflict, following an attack on the city of Barda in Azerbaijan.

Yesterday (28 October 2020), at approximately 1.30 pm local time, one or several Smerch rockets were fired into Barda, striking a residential neighbourhood close to a hospital. The Azerbaijani Prosecutor General’s Office has stated that at least 21 people were killed, with an estimated 70 more injured.

Amnesty International’s Crisis Response experts verified pictures (taken by Vice News reporters in the city) of fragments of 9N235 cluster munitions from Russian-made 9M55 Smerch rockets, that appear to have been fired into the city by Armenian forces.

“The firing of cluster munitions into civilian areas is cruel and reckless, and causes untold death, injury and misery,” said Marie Struthers, Amnesty International’s Regional Director for Eastern Europe and Central Asia.<sup>3</sup>

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<sup>2</sup> Ibid.

<sup>3</sup> “Armenia/Azerbaijan: first confirmed use of cluster munitions by Armenia ‘cruel and reckless’”, 29 October 2020. Available at [www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/#:~:text=Facebook-,Armenia%2FAzerbaijan%3A%20First%20confirmed%20use%20of%20cluster%20munitions,by%20Armenia%20cruel%20and%20reckless'&text=Amnesty%20International%20has%20verified%20the,city%20of%20Barda%20in%20Azerbaijan.](https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/#:~:text=Facebook-,Armenia%2FAzerbaijan%3A%20First%20confirmed%20use%20of%20cluster%20munitions,by%20Armenia%20cruel%20and%20reckless'&text=Amnesty%20International%20has%20verified%20the,city%20of%20Barda%20in%20Azerbaijan.)<sup>3</sup>

Human Rights Watch has stated the following:

Armenian forces either fired or supplied internationally banned cluster munitions and at least one other type of long-range rocket used in an attack on Barda city, 230 kilometers west of Azerbaijan's capital, Baku, on October 28, 2020 ... The attack reportedly killed at least 21 civilians and wounded at least another 70.

Human Rights Watch analyzed photos of cluster munition remnants taken by international and local journalists and residents at and near the attack scene. It identified two of the weapons as a Smerch cluster munition rocket and a Smerch parachute-retarded high-explosive fragmentation rocket. As far as Human Rights Watch is aware, Armenian forces possess Smerch multi-barrel rocket launchers, but Nagorno-Karabakh forces do not. It is therefore likely that Armenian forces carried out the attack or supplied the munitions to Nagorno-Karabakh forces. Armenia should immediately cease using cluster munitions or supplying them to Nagorno-Karabakh forces.

...

Human Rights Watch reviewed six videos and 28 photographs taken from the scenes of the attack and shared directly with researchers, as well as posted on social media. Human Rights Watch was able to verify the locations of two of the sites attacked by matching key landmarks in the photographs and videos with satellite imagery. One of the locations confirmed was less than 100 meters from Barda Central Hospital, the city's largest fully functioning hospital.

Remnants of the distinctive warhead section of a Smerch cluster munition rocket and parts of unexploded 9N235 submunitions are visible in the pictures. They also show the remnants of another type of Smerch rocket that uses a unitary blast-fragmentation warhead with a parachute to control its descent before detonating above-ground. The blast and fragmentation damage at the attack scenes and the victims' visible wounds are consistent with the blast and fragmentation effect from these weapons.

...

The journalist said that while he has seen people wearing fatigues on the street in border towns like Barda, he had not seen any concentrated presence of soldiers or military vehicles on the road before or at the time of the attack. Even if there had been a military object in the area, given the indiscriminate effects of cluster munitions, their use in a residential civilian setting is not permitted under the laws of war.<sup>4</sup>

The political and military leadership of Armenia and the agents of the puppet racist regime it has set up in the occupied territories of Azerbaijan bear responsibility for these heinous acts and must be brought to account. The Republic of Azerbaijan calls on the international community to strongly condemn the atrocity methods of warfare employed by Armenia, which constitute war crimes under international law, and demand justice and accountability.

Impunity that Armenia has enjoyed for more than thirty years has generated a sense of permissiveness in its authorities, freed their hands for new acts of aggression and hate crimes and led to the situation we are facing now.

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<sup>4</sup> "Armenia: Cluster Munitions Kill Civilians in Azerbaijan – stop using banned weapons; secure and destroy stocks", 30 October 2020. Available at [www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan#](http://www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan#).

Peace is achievable only if the consequences of Armenia's aggression are removed once and for all, provided that its armed forces are completely and unconditionally withdrawn from the Nagorno-Karabakh region and other occupied territories of Azerbaijan, the territorial integrity of my country is restored and the right of internally displaced Azerbaijanis to return to their homes and properties in safety and dignity is ensured.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 35, 40, 86 and 135, and of the Security Council.

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

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