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Security Council

Seventy-eighth year

Letter dated 5 December 2023 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

By its ongoing anti-Azerbaijan smear campaign, Armenia is trying to mislead the international community and divert attention from its own responsibility for multiple grave violations of international law and its policy and practice of hatred and incitement, including through the circulation of various “expert” opinions. The report by Juan Mendez, annexed to the letter from the Permanent Representative of Armenia of 1 November 2023,¹ is another bad-faith product of this kind. Suffice it to mention just a few examples of apparent fabrications, misinterpretations and oversights, which totally denounce the report as biased, dishonest and incompetent.

I. Legitimacy of Azerbaijan’s counter-terrorism measures

What the Permanent Representative of Armenia calls a “military aggression” and Mr. Mendez a “military operation” were the local counter-terrorism measures taken by Azerbaijan on its sovereign soil, in the Garabagh region, on 19 and 20 September 2023, in the face of severe security threats posed by the illegal presence of more than 10,000 heavily armed Armenian troops in this region.

Mr. Mendez’s attempt to challenge the legitimacy of these measures by claiming that secessionist actions in Garabagh were not supported by Armenia denies irrefutable evidence to the contrary. We well remember that, despite numerous facts, documents of international organizations and judgments of the European Court of

¹ S/2023/826 (hereinafter referred to as “Report”).



Human Rights,² for almost 30 years of the conflict, Armenia similarly denied the aggression, occupation and atrocities it committed against Azerbaijan and our people.

Although the Prime Minister of Armenia signed a trilateral statement on 9 November 2020,³ committing to withdraw his country's armed forces from the territories of Azerbaijan, Armenia is yet to redress the lies about its non-participation in the armed conflict, which it so enthusiastically propagated for decades. And now Armenia, directly or through various pseudo-experts it hired, is spreading another lie, according to which it had no armed forces on the territory of Azerbaijan by September 2023, as they were allegedly withdrawn earlier under the trilateral statement.

However, in addition to the evidence in possession of Azerbaijan, the illegal presence of the armed forces of Armenia in the Garabagh region of Azerbaijan in the years after the signing of the trilateral statement was confirmed by the officials of Armenia themselves. For example, in June 2022, the Deputy Head of the Main Directorate of Personnel Management of the General Staff of the Armed Forces of Armenia stated to journalists that the military-political leadership of his country decided that military service in Garabagh would be carried out on a contractual basis and that a package of measures had been developed to make this service attractive there.⁴ The following month, the Secretary of the Security Council of Armenia confessed that his country's armed forces were still in Garabagh at that time and announced that they would be withdrawn in a few months⁵ – which in fact did not happen until September 2023, when they were forced by Azerbaijan to surrender, disarm, dissolve and finally withdraw.

Moreover, these forces were sustained by direct military-technical, logistical and financial support from Armenia, including through the abuse of the humanitarian designation of the Lachin road. The transfer of weapons, military equipment and troop rotation continued until the establishment by Azerbaijan of a border checkpoint at the entrance to this road in April 2023. The purposes of these transfers were to advance territorial claims, further incite violent ethnic separatism in Azerbaijan and kill and maim Azerbaijanis on their own sovereign territory.

Despite numerous calls and demands from Azerbaijan, in the period that elapsed after the signing of the trilateral statement, for two years and 10 months, Armenia ignored the commitment contained in paragraph 4 of the present document to withdraw its troops from the territory of Azerbaijan. The process of normalizing inter-State relations based on mutual recognition and respect for each other's sovereignty and territorial integrity within their State borders, initiated by Azerbaijan right after the end of the 2020 war and widely supported by the international community, also did not prompt Armenia to abandon its revanchist policy. During the same period, Armenia and the illegal regime it had installed on the territory of Azerbaijan also rejected our repeated invitations to meetings to discuss and resolve issues related to ensuring the orderly reintegration of the Armenian residents of the Garabagh region to be part of multi-ethnic Azerbaijan as equal citizens.

In the weeks and days leading up to 19 September 2023, the activities of the armed forces of Armenia in the Garabagh region intensified at an alarming rate – specifically building new battle fortifications and trenches, planting landmines close

² See, for example, European Court of Human Rights, *Chiragov and Others v. Armenia*, application No. 13216/05, Judgment of 16 June 2015, *ECHR Reports* 2015, para. 180.

³ [S/2020/1104](https://www.aysor.am/ru/news/2022/06/28/%D0%A1%D0%B0%D0%B0%D0%BA%D1%8F%D0%BD/1981909).

⁴ <https://www.aysor.am/ru/news/2022/06/28/%D0%A1%D0%B0%D0%B0%D0%BA%D1%8F%D0%BD/1981909>, 28 June 2022.

⁵ <https://armenpress.am/eng/news/1088539/>, 19 July 2022.

to Azerbaijan's military positions and replanting landmines in civilian areas that Azerbaijan had already cleared.

As a result, the number of casualties among Azerbaijani civilians and military increased steadily. On 19 September 2023, two Azerbaijani civilians and four Azerbaijani policemen died within the span of a single hour in two separate landmine explosions in previously demined areas. In total, in the post-conflict period, since November 2020, 65 citizens of Azerbaijan have been killed and 273 injured by mine explosions.

The presence and actions of the armed forces of Armenia on the territory of Azerbaijan were in gross violation of the Charter of the United Nations, international law, the Constitution of Azerbaijan and the November 2020 trilateral statement. Consequently, Azerbaijan legitimately exercised its inherent right and responsibility to protect its people, defend its territorial integrity and restore peace and stability in the region.

The weapons surrendered by the armed forces of Armenia or detected in the Garabagh region of Azerbaijan since 20 September 2023, including tanks, armoured vehicles, heavy artillery systems, rockets, surface-to-air missiles, anti-aircraft missile systems, mortars, anti-tank weapons, electromagnetic warfare equipment and millions of rounds of ammunition,⁶ leave no room for doubt despite Mr. Mendez's attempt to portray these forces as local Armenian constabulary and militia.

It is also meaningful in this sense that, in its order on provisional measures of 17 November 2023, the International Court of Justice rejected Armenia's ludicrous request for the withdrawal of all military and law enforcement personnel by Azerbaijan from its Garabagh region.⁷

Furthermore, if Mr. Mendez were independent in his opinion and more familiar with the topic, he would probably have refrained from playing along with Armenia's fabricated historical narratives. The truth, however, is that the Garabagh region, including its mountainous part, was historically inhabited and ruled by Azerbaijanis and their ancestors and was part of all entities and States established by them on the territory of Azerbaijan. In relatively recent history, the region was part of the first independent Republic of Azerbaijan in 1918–1920 and then the Soviet Socialist Republic of Azerbaijan. It certainly was not "dependent" on Azerbaijan – a term used by Mr. Mendez with obvious manipulative and misleading intent – but was, is and will always be an integral part of Azerbaijan.

II. Compliance of Azerbaijan's counter-terrorism measures with international humanitarian law and international human rights law

The claims contained in both the aforementioned letter and the annexed report about the forced deportation, civilian casualties and even genocide allegedly resulting from the counter-terrorism measures taken by Azerbaijan are equally preposterous and groundless.

⁶ See the information about a joint press briefing by the Ministries of Foreign Affairs and Defence of the Republic of Azerbaijan on 20 November 2023, Letter dated 21 November 2023 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/78/609-S/2023/900](#).

⁷ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of the International Court of Justice of 17 November 2023.

These measures lasted less than 24 hours, targeted exclusively legitimate military objects and strictly adhered to the principle of distinction. On multiple occasions, advance warnings were issued to civilians, including through text messages and loudspeaker announcements in Armenian, urging them not to take arms, not to wear military uniform and to avoid the vicinity of military installations. Although the armed forces of Armenia placed many military facilities very close to residential areas, Azerbaijan took all feasible precautions to avoid civilian harm.

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 Armenian residents of Garabagh who decided to relocate, it was their free choice, although Azerbaijan encouraged them to stay. Hundreds of local Armenians attested publicly that they had not been forced to leave by Azerbaijan. There are stories from the residents available online confirming that Azerbaijanis addressed the Armenian population on the radio in Armenian offering for the Armenians to stay.⁸ At the same time, they also confirmed that the leaders of the illegal regime installed by Armenia in the Garabagh region had directed them in a language that was designed to inspire fear and hatred that they needed to escape.

There are also other stories showing that some Armenians were motivated to relocate from Garabagh by hatred towards Azerbaijan and unwillingness to live within it. The recent documentary by ARTE.tv is indicative in the sense that they still live with the hope of becoming stronger to take the land back and kill all Azerbaijanis.⁹ Unfortunately, this is not an isolated view of this kind among them.

Azerbaijan also provided humanitarian assistance to the Armenian residents of Garabagh and allowed and facilitated access for the United Nations and other international organizations to the region. The United Nations inter-agency team twice visited the region in October, the International Committee of the Red Cross (ICRC) continued its activities on the ground, and the Commissioner for Human Rights of the Council of Europe also recently visited the region.

Furthermore, Azerbaijan has publicly guaranteed that eligible residents who decided to leave have a right to return and has taken concrete steps to ensure their voluntary, safe and dignified return.

On 29 September 2023, that is, nine days after the end of the counter-terrorism measures, the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) stated 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 [Azerbaijanis]”. She also noted that, according to the Armenian residents who were interviewed by UNHCR, “they were allowed to leave quite freely” and that “[n]obody shared instances of being harassed”.¹⁰ Mr. Mendez simply chose to ignore this important statement.

The United Nations inter-agency team that visited the Garabagh region of Azerbaijan on 1 October 2023 also 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

⁸ See, for example, *Azerbaijanis offered Armenians to stay in Khojaly, Karabakh Armenian says*, 29 November 2023, <https://caliber.az/en/post/207092/> (with reference to an Armenian YouTube channel *Oragir News*).

⁹ <https://www.youtube.com/watch?app=desktop&v=vwuZ14zg7MU>.

¹⁰ United Nations, Bi-weekly press briefing, *Statement by Kavita Belani, United Nations Refugee Agency (UNHCR) Representative in Armenia*, 29 September 2023, <https://media.un.org/en/asset/k1g/k1gvc8zwrdr>.

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”.¹¹

In other words, the mission witnessed no damage, destruction or violence in the Armenian-populated parts of the Garabagh region. In stark contrast, the same mission “observed destruction and mine action needs” in the Azerbaijani-populated city of Aghdam, which was razed to the ground along with hundreds of other cities, towns and villages in Azerbaijan during their occupation by Armenia from the early 1990s to 2020.

It is noteworthy that irresponsible, false and incompetent allegations of Mr. Mendez about genocide, along with being indicative of his strong bias and extremely limited and superficial knowledge of international law and the content, object and purpose of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, contradict even the statement by the Prime Minister of Armenia, who expressly stated, in his televised address to the Armenian people on 21 September 2023, that “rumours about mass casualties among the civilian population are not true” and that “there is no direct threat to the civilian population” of Garabagh.¹²

Most notably, Mr. Mendez’s report is full of conflicting information and views. For example, having become entangled in Armenian disinformation about fictitious civilian casualties, he refers to two contradictory figures in the “Executive Summary”¹³ and “Events since August 2023”¹⁴ parts of his report.

Another apparent illogicality in the report concerns the movement of persons through the Lachin road. Thus, the author claims, on the one hand, that the “military operation” conducted by Azerbaijan “caused the removal of the entire Armenian population” from the Garabagh region and that their “exodus to Armenia was essentially completed by October 1”,¹⁵ and, on the other, that the Lachin road remained closed as of the end of October 2023.¹⁶ It seems that only Mr. Mendez can explain how the Lachin road could be closed if the Armenian residents freely moved to Armenia using that road.

III. Distortion and falsification of the findings and conclusions of the United Nations inter-agency mission to the Garabagh region of Azerbaijan

The impression from the report is that its author either is unfamiliar with the outcomes of the United Nations inter-agency mission at all or, in unison with Armenia’s tireless efforts to discredit the mission, deliberately distorts and falsifies its findings and conclusions.

Thus, contrary to his assertion that the mission allegedly “established there was no need for further humanitarian assistance because no recipients of such aid remained in the territory”, the mission, in its formal conclusions, stated that it had seen local Armenians remaining in the Garabagh region and expressed the readiness of the United Nations in Azerbaijan to “support the remaining local population and

¹¹ United Nations, *UN team completes mission to Karabakh*, 2 October 2023, <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>.

¹² <https://www.interfax.ru/world/922018>; <https://ru.armeniasputnik.am/20230921/armiya-oborony-nk-sokhranila-pozitsii-po-sostoyaniyu-na-20-sentyabrya--pashinyan-66235018.html>.

¹³ Report, page 2, para. 2.

¹⁴ Ibid., page 4, para. 3.

¹⁵ Ibid., pages 2 and 5, paras. 2 and 3.

¹⁶ Ibid., page 4, para. 3.

those who wish to return, in support of the Government of the Republic of Azerbaijan and in partnership with other stakeholders and partners”.

Then, contradicting himself, Mr. Mendez claims that the mission allegedly estimated the number of ethnic Armenians who remained in the Garabagh region “as between 50 and 100”.¹⁷ No matter how inconsistent the author’s logical reasoning may be, the actual number referred to in the mission’s outcome document is different – “between 50 and 1,000”.

Furthermore, according to Mr. Mendez, “[t]he visit was conducted by UN staff resident in Baku with the addition of one senior official of the Office of the Coordination of Humanitarian Affairs (OCHA)”, and this very fact, in his view, should have attested to the dubious credibility of the mission’s findings. However, if he had actually read those findings, he certainly could not have failed to see the real composition of the team. Indeed, it is impossible not to notice in the two-page text that, along with the resident coordinator in Azerbaijan and the Director of the Coordination Division of the Office for the Coordination of Humanitarian Affairs, the team also included representatives from the Food and Agriculture Organization of the United Nations, the Office of the United Nations High Commissioner for Refugees, the United Nations Children’s Fund and the World Health Organization, as well as a technical team from the Office for the Coordination of Humanitarian Affairs, the Resident Coordinator Office and the Department of Safety and Security.

Set against the claims made by Mr. Mendez, the evidence of the United Nations inter-agency mission dispels the allegations that the local population and their property were targeted during the security measures or thereafter. This evidence should be accorded considerable weight as to the factual situation that the mission was well placed to ascertain.

IV. Denial of justice and the rule of law

Further in his report, Mr. Mendez showed interest in persons associated with the illegal regime installed by Armenia on the sovereign territory of Azerbaijan, who have been detained and arrested in the wake of the counter-terrorism measures. By cynically characterizing these persons as “prominent leaders”, he baselessly claimed that they had been “deprived of liberty solely because of their political role”¹⁸ and that their arrest is also a “factor that must be considered as a cause for the mass exodus”¹⁹ and, even more absurd, is “indicative of genocide”.²⁰

Although these persons were detained and arrested on charges of committing criminal offences, were duly provided with medical and legal assistance, are visited by ICRC and are given the opportunity to contact their families, Mr. Mendez deliberately misled the readers by alleging that the legal status and conditions of their detention were unknown.

As is known, serious violations of international law amounting to war crimes, crimes against humanity, genocide and terrorism were committed by Armenia during its aggression and the resulting 30-year occupation of the territories of Azerbaijan. The scale of these violations is revealing: tens of thousands of people were killed, more than 200,000 Azerbaijanis were expelled from their historical homeland in Armenia, all occupied territories were ethnically cleansed of more than 700,000 Azerbaijanis, hundreds of cities, towns and villages in Azerbaijan were razed to the

¹⁷ Ibid., page 5, para. 1.

¹⁸ Ibid., page 3, para. 2.

¹⁹ Ibid., page 8, para. 4.

²⁰ Ibid., page 3, para. 2.

ground, and tremendous losses were inflicted on Azerbaijan's cultural and religious heritage and the environment.

The tragic consequences of the aggression include 3,890 missing citizens of Azerbaijan, including 719 civilians. Among the civilians, 71 are children, 267 are women and 326 are elderly. Although hundreds of them were seen alive at the moment of captivity, they then disappeared without a trace. Moreover, dozens of Azerbaijani detainees died or disappeared in Armenian custody even after being visited by ICRC. Mass graves found in the liberated territories of Azerbaijan shed light on the wilful killing of Azerbaijani civilians and other persons protected under international humanitarian law.²¹

As Professor Malcolm Shaw concluded in his 2019 report, "Armenia is responsible for a variety of war crimes committed in the occupied territories. Such crimes include war crimes relating to civilian deaths or injuries; civilian property; the mistreatment of detainees and prisoners of war; the taking of hostages; ethnic cleansing, forced displacement and changing the character of occupied territory; the destruction of cultural heritage; and damage to the natural environment". He further pointed out that, in addition, "[i]ndividual Armenians will bear criminal responsibility where allegations of war crimes are proven against them".²²

However, Armenia not only refused to prosecute and punish these offences and to offer an appropriate remedy or redress for its breaches but also venerated and glorified their perpetrators as national heroes.

Mr. Mendez must be aware that States are obliged under international law to investigate, without undue delay, reports of war crimes and to prosecute and punish the perpetrators.²³

Furthermore, as a party to the European Convention on Human Rights, Azerbaijan is under an obligation to secure the right to life by putting in place effective criminal law provisions to deter the commission of offences against the person, backed up by law enforcement machinery for the punishment of breaches of such provisions. Azerbaijan must thus investigate and prosecute life-threatening injuries, death or disappearances in violent circumstances. This obligation also extends to offences that are committed during an active phase of hostilities.

It is also noteworthy that those so-called "prominent leaders" belonged to the illegal regime that Armenia had installed in the territories of Azerbaijan – the regime which the former Chairperson of the International Law Commission, Professor Alain Pellet, in his 2017 legal opinion, compared to similar "precedents, such as Manchukuo, Transkei and other South-African 'bantustans'".²⁴

²¹ See, for example, Letter dated 2 March 2022 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General, [A/76/736-S/2022/176](#), annex; Letter dated 13 January 2023 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/77/695-S/2023/34](#).

²² Malcolm N. Shaw, *Report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia's responsibility*, [A/74/676-S/2020/90](#), annex, para. 242.

²³ ICRC, *Customary International Humanitarian Law*, Vol I: Rules (2005) 607 (Rule 158). See also Articles 1, 49 and 50 of the First Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Articles 1, 129 and 130 of the Third Geneva Convention on the Treatment of Prisoners of War, Articles 1, 146 and 147 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, Articles 85, 86, 87 and 88 of Additional Protocol I relating to the Protection of Victims of International Armed Conflicts, and Article 6 of Additional Protocol II relating to the Protection of Victims of Non-International Armed Conflicts.

²⁴ Alain Pellet, *Legal Opinion on Third Party Obligations with Respect to Illegal Economic and Other Activities in the Occupied Territories of Azerbaijan*, [A/71/880-S/2017/316](#), annex, para. 76.

Against this background, it is not surprising that, in its order on provisional measures of 17 November 2023, the International Court of Justice did not warrant Armenia's ridiculous request related to Azerbaijan's investigative actions regarding the mentioned persons.²⁵

V. Misinterpretation of the proceedings in the International Court of Justice

Just like Armenian officials and diplomats, Mr. Mendez, who nevertheless claims to be an independent expert, deliberately distorts the ongoing legal process between Azerbaijan and Armenia in the International Court of Justice. Thus, in his report, there is no indication whatsoever of the proceedings instituted by Azerbaijan against Armenia in the International Court of Justice under the International Convention on the Elimination of All Forms of Racial Discrimination, as well as of the provisional measures delivered by the Court in its order of 7 December 2021 in respect of Armenia.²⁶ If Mr. Mendez were not biased, he would definitely have alerted to the serious risks arising from Armenia's non-compliance with this order.

As to the orders of the International Court of Justice of 22 February and 6 July 2023, to which Mr. Mendez specifically refers, in the former one, the Court rejected two of the three measures requested by Armenia in their entirety. As regards the third measure, the Court declined to issue a measure in the form requested by Armenia. In fact, the considered terms of the Court's order supported Azerbaijan's position that it was not responsible for the protests of a group of civil society organizations on the Lachin-Khankandi road and that it was not obligated to prevent them from exercising their legitimate right to protest.²⁷

This Court's order is also consistent with Azerbaijan's position that the movement along the Lachin road was not envisaged to be the "uninterrupted free movement" of "all" persons, cargo and vehicles in the sense that Armenia contended in its requested measure, namely, without any control. Specifically, by declining to issue Armenia's requested measure, the Court's order is consistent with Azerbaijan's position that the road could not be used for illegal military and economic purposes and the illegal movement of third-country nationals into the territory of Azerbaijan.²⁸

Armenia subsequently requested that the International Court of Justice modify its 22 February 2023 order to direct Azerbaijan to remove the border checkpoint it had established at the entrance to the Lachin-Khankandi road. The International Court of Justice's decision of 6 July 2023 to reject Armenia's request was a unanimous decision by all of the judges of the Court. This decision actually vindicated Azerbaijan's sovereign right to secure and protect its borders.²⁹

²⁵ *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of the International Court of Justice of 17 November 2023. See Press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the decision of the International Court of Justice of 17 November 2023, [A/78/599-S/2023/888](#), annex.

²⁶ *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.

²⁷ Letter dated 27 February 2023 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General, [A/77/774-S/2023/145](#), annex.

²⁸ *Ibid.*

²⁹ Letter dated 21 July 2023 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General, [A/77/974-S/2023/546](#), annex.

Contrary to Mr. Mendez's allegations, Azerbaijan has never imposed a "blockade" of humanitarian assistance or deprived the residents of basic humanitarian needs, nor has it refused to abide by the orders of the International Court of Justice. The claim that there has been a "blockade" lasting several months and depriving the Armenian population of the Garabagh region of any supplies between December 2022 and October 2023 is absolutely false. As ICRC reported, since December 2022, it had arranged for significant deliveries of food, medical supplies, fuel and other goods, as well as facilitating the transportation of hundreds of residents through the Lachin road.³⁰

At the same time, it was the illegal regime installed by Armenia on the sovereign territory of Azerbaijan that obstructed efforts to transport humanitarian supplies via the Aghdam and Lachin roads and consistently hindered contacts between the local residents and the central authorities of Azerbaijan. Thus, for example, the Red Crescent Society of Azerbaijan sent 40 tons of flour to the residents in Garabagh on 29 August 2023, but the trucks were prevented from entering.

Mr. Mendez should also be aware that, at this stage of the proceedings, the International Court of Justice was not required to establish whether any violations of the International Convention on the Elimination of All Forms of Racial Discrimination had occurred, a finding that could only be made as part of the examination of the merits of the two cases. Thus, the International Court of Justice made it clear that it "is not called upon, for the purposes of its decision on the Request for the indication of provisional measures, to establish the existence of breaches of CERD" and that "it cannot at this stage make definitive findings of fact". In effect, the Court's task, at the stage of indicating provisional measures, was to establish whether the acts and omissions complained of by the parties were capable of falling within the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.³¹

VI. Conclusion

Mr. Mendez was unable to provide credible and reliable evidence to validate his allegations, while those sources he referred to are not capable of providing facts. Furthermore, apparent contradictions and oversights contained in the report not only question the competence of the author but, most importantly, disavow the very content of his product as a whole.

The analysis above is unambiguous in concluding that the report in question is a fundamentally flawed exercise in legal reasoning, as it completely ignores the violated rights of hundreds of thousands of Azerbaijani victims of Armenia's aggression and 30-year occupation, neglects the available evidence and relies mostly on unverified and unreliable Armenian or Armenian-related sources, does not reflect

³⁰ ICRC, *Operational update on the ICRC's work across the Lachin Corridor*, 18 August 2023, <https://www.icrc.org/en/document/operational-update-icrcs-work-across-lachin-corridor>; ICRC, *Azerbaijan/Armenia: Humanitarian consensus allows ICRC to deliver humanitarian relief*, 18 September 2023, <https://www.icrc.org/en/document/azerbaijan-armenia-humanitarian-consensus-relief>.

³¹ *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, paras. 27 and 61; *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*, Provisional Measures, Order of the International Court of Justice of 7 December 2021, paras. 28 and 71, and Order of the International Court of Justice of 17 November 2023, paras. 32 and 49. See also letter dated 20 December 2021 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General, [A/76/612-S/2021/1078](https://www.un.org/press/en/2021/21078.doc.htm).

the methodology of a comprehensive, independent or fair-minded expert opinion, distorts the documents of international organizations, mischaracterizes the proceedings in the International Court of Justice and replicates Armenian false historical narratives.

No doubt the intention behind the report is nothing but complicity in Armenia's efforts to mislead the international community, deny justice and the rule of law and obstruct accountability for serious violations of international law.

Having familiarized oneself with the report, it also becomes clear that, by holding a clandestine meeting with the participation of its author behind closed doors at United Nations Headquarters on 23 August 2023, the Permanent Mission of Armenia badly wanted to avoid honest discussions in the face of inevitable exposure.³²

Despite public statements regularly made by the leadership of Armenia about their interest in signing a peace treaty with Azerbaijan as early as possible, the papers such as the one commissioned from Mr. Mendez and circulated in the United Nations, along with ongoing anti-Azerbaijan rhetoric and smear campaign, clearly indicate Armenia's real priority in maintaining confrontation and territorial claims, rather than achieving peace, reconciliation and cooperation.

It is therefore important that the international community convincingly encourage Armenia to strictly abide by its international obligations, cease and desist from disinformation and misinformation and engage faithfully in efforts to build peace and stability in the region.

Azerbaijan is firm in its determination to further advance peacebuilding, reconciliation, reintegration and development in the region, as well as to ensure justice and prevent and repel any threats to the safety and well-being of its people and the State's sovereignty and territorial integrity.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 31, 61, 69, 71, 83 and 129, and of the Security Council.

(Signed) Yashar Aliyev
Ambassador
Permanent Representative

³² See Press release of the Permanent Mission of Azerbaijan to the United Nations, 24 August 2023, <https://un.mfa.gov.az/files/shares/Press-releases/Press%20release%2024.08.2023.pdf>.