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Letter dated 24 February 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

As is well known, the ongoing armed conflict between Armenia and Azerbaijan began at the end of 1987 with the former's unlawful and groundless territorial claims on the Nagorno-Karabakh autonomous oblast of Azerbaijan. Those claims marked the beginning of the assaults on the Azerbaijanis in and their expulsion from the autonomous oblast and Armenia itself.

At the end of 1991 and the beginning of 1992, Armenia unleashed full-scale war against Azerbaijan. As a result, a part of the territory of Azerbaijan, including the Nagorno-Karabakh region and the seven surrounding districts, was occupied by Armenia. The war claimed the lives of tens of thousands of people and ruined cities, towns and villages; thousands of people went missing in connection with the conflict; and all captured areas were ethnically cleansed of their Azerbaijani population. Some of these acts that constitute war crimes also amount to the crime of genocide, as ethnic Azerbaijanis have been targeted because of their nationality and/or ethnicity, and the relevant intent has been to destroy the group in part.

Twenty-eight years ago, the largest massacre during the conflict was committed against the civilians and defenders of the town of Khojaly, in the Nagorno-Karabakh



region of Azerbaijan. One expert commentator has described the slaughter in Khojaly as “by a large margin the worst single atrocity of the Armenian-Azerbaijani war”.¹

Before the conflict, 7,000 people had lived in this town. From October 1991, the town was entirely surrounded by Armenian forces. Throughout the winter of 1991–1992 the town was shelled on an almost daily basis, including in attacks that were either indiscriminate or directly aimed at civilian targets. Over the night of 25–26 February 1992, following heavy bombardment, the town was overrun from various directions. The assault was carried out by Armenian armed forces, with the assistance of infantry guards regiment No. 366 of the former Union of Soviet Socialist Republics (USSR).

As a result of the attack and capture of the town, 613 civilians were killed, including 106 women, 63 children and 70 elderly people. Another 1,000 people were wounded, and 1,275 people were taken hostage. To this day, 150 people from Khojaly remain missing.

There are abundant sources, consisting, inter alia, of the documents of international organizations and the findings of independent investigations by foreign journalists, human rights activists and international non-governmental organizations, which contribute to corroborating the facts on the ground.

Thus, news reports that surfaced over the following days after the tragedy in Khojaly revealed the scale of the brutality.

Referring to a report by a Reuters correspondent in Aghdam, Azerbaijan, *The Independent* communicated that “after a massacre, Azeris were burying scores of people who died when Armenians overran the town of Khojaly, the second-biggest Azeri settlement in the area. ‘The world is turning its back on what’s happening here. We are dying and you are just watching’, one mourner shouted at a group of journalists”.²

The Australian newspaper *The Age* reported that “the exact number of victims is still unclear, but there can be little doubt that Azeri civilians were massacred by the Armenian Army in the snowy mountains of Nagorno-Karabakh last week”.³

Pascal Privat and Steve Le Vine of *Newsweek*, in their article entitled “The face of a massacre” reported as follows:

Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped.⁴

Jill Smolowe of *Time* magazine in her article “Massacre in Khojaly” reported as follows:

While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighbouring Azerbaijan. The total number of

¹ Laurence Broers, *Armenia and Azerbaijan: Anatomy of a Rivalry* (Edinburgh, Edinburgh University Press, 2019), p. 37.

² *The Independent*, 29 February 1992.

³ *The Age*, 6 March 1992.

⁴ *Newsweek*, 16 March 1992.

deaths – the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children – is unknown.⁵

Human Rights Watch/Helsinki has stated that during the assault on Khojaly the Armenian forces “deliberately disregarded” the prohibition on attacks that cause disproportionate civilian casualties. It has further stated that:

[Eyewitnesses] indicated that there was sufficient light to allow for reasonable visibility and, thus, for the attackers to distinguish unarmed civilians from those persons who were armed and/or using weapons. Further, despite conflicting testimony about the direction from which the fire was coming, the evidence suggests that the attackers indiscriminately directed their fire at all fleeing persons. Under these circumstances, the killing of fleeing combatants could not justify the foreseeably large number of civilian casualties.⁶

According to the Memorial Human Rights Centre, “there was mass violence upon the civilians of Khojaly during the military operation to take this town”; “the mass murder of civilians in the ‘free corridor’ zone and adjacent territory cannot be justified under any circumstances”; “the civilians remaining in Khojaly after it was taken by Armenian detachments were deported”; “these actions were carried out in an organized manner”; “there was violent treatment of the detained inhabitants of Khojaly”. The Centre concludes its investigation by stating that “the actions by the Armenian units of Nagorno-Karabakh towards the civilians of Khojaly during the assault on the town are a gross violation of the Geneva Convention and also of the [...] Universal Declaration of Human Rights”.⁷

International organizations and the European Court of Human Rights have recognized the gravity of the atrocity in Khojaly. In a declaration on 11 March 1992 – just weeks after the massacre – the Committee of Ministers of the Council of Europe issued a declaration in which it expressed deep concern “about recent reports of indiscriminate killings and outrages” in Azerbaijan and firmly condemned “the violence and attacks directed against the civilian populations in the Nagorno-Karabakh area of the Azerbaijan Republic”.⁸ The European Court of Human Rights has concluded that the massacre in Khojaly involved “acts of particular gravity which may amount to war crimes or crimes against humanity”.⁹ The Organization of Islamic Cooperation has called for international and national recognition of what it has described as the “mass massacre of Azerbaijani civilians perpetrated by the Armenian armed forces in the town of Khojaly”, as a “genocidal act” and a “crime against humanity”.¹⁰

The crimes committed in Khojaly were not an isolated or sporadic act, but an integral part of Armenia’s widespread and systematic policy and practice. Azerbaijani civilians in many other villages and cities of the country were subjected to similar atrocities by Armenian forces. The recently published comprehensive report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of

⁵ *Time*, 16 March 1992.

⁶ Human Rights Watch/Helsinki, “Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno-Karabakh” (September 1992), p. 24.

⁷ Report by the Memorial Human Rights Centre on massive violations of human rights committed in the seizure of Khojaly during the night of 25 to 26 February 1992, in Fiona Maclachlan and Ian Peart (eds.), *Khojaly Witness of a War Crime: Armenia in the Dock* (Reading, United Kingdom of Great Britain and Northern Ireland, Ithaca Press, 2014), pp. 75–83, at p. 82.

⁸ Declaration on Nagorno-Karabakh, adopted by the Committee of Ministers on 11 March 1992 at the 471bis meeting of the Ministers’ Deputies, Doc No. CM/Del/Concl(92)471bis.

⁹ Judgment of the European Court of Human Rights, App. No. 40984/07, 22 April 2010, para. 87.

¹⁰ Organization of Islamic Cooperation, Final Communiqué of the Twelfth Session of the Islamic Summit Conference, 6–7 February 2013, para. 117; Organization of Islamic Cooperation, Resolution No. 8/43-C on Affiliated Institutions, 18–19 October 2016, part B, para. 8.

Armenia's responsibility provides convincing evidence as to the range, variety and consistency of Armenia's violations of international humanitarian law and the commission of multiple war crimes for which Armenia bears liability under international law and which also incur individual criminal responsibility (see [A/74/676–S/2020/90](#), 7 February 2020).

However, the perpetrators of the crimes committed in Khojaly and elsewhere in the occupied territories of Azerbaijan not only continue to enjoy impunity but are glorified in Armenia, in defiance of international law and human rights, as well as of the objectives of the peaceful settlement of the conflict. It is critically important that the international community insist on the accountability for the heinous crimes committed against the Azerbaijani civilians during the war, in accordance with the international law of State responsibility and international criminal law. Such accountability must be an inevitable consequence of the offences committed and an essential prerequisite on the path to peace and genuine reconciliation.

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
