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**Security Council
Seventy-sixth year**

Letter dated 7 June 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to submit to you a letter from Jeyhun Bayramov, Minister for Foreign Affairs of the Republic of Azerbaijan, regarding the steps taken by the law enforcement bodies of the Republic of Azerbaijan to investigate war crimes and other serious crimes committed by members of the armed forces of Armenia (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 34, 35, 40, 64, 70, 72, 86 and 135, and of the Security Council.

(Signed) Yashar Aliyev
Ambassador
Permanent Representative



Annex to the letter dated 7 June 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Letter dated 4 June 2021 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General

With reference to my previous letters, I am writing to inform you of the steps taken by the law enforcement bodies of the Republic of Azerbaijan to investigate war crimes and other serious crimes committed by members of the armed forces of Armenia.

The State Security Service and the Office of the Prosecutor General of the Republic of Azerbaijan have completed an investigation into the case of 14 members of the sabotage group that was detained in December 2020 in the Khojavand district of the Republic of Azerbaijan as the result of a joint anti-terror operation. It was established in the course of the investigation that these citizens of Armenia, together with other members of the armed forces of that country, had illegally crossed the State border of Azerbaijan on 26 and 27 November 2020, taken up combat positions in forests and other areas in the north-western part of the Khojavand district and carried out attacks on Azerbaijani citizens and civilian and military infrastructure.

The indictment, based on articles 214.2.1 and 214.2.3 (terrorism committed by prior arrangement by a group of persons, by an organized group or a criminal organization with application of firearms or objects used as a weapon), 279.2 (attacks on enterprises, institutions, organizations or individuals as part of armed formations or groups not provided for by the legislation) and other articles of the Criminal Code of the Republic of Azerbaijan, was sent to the court for consideration. The court's examination is expected to start soon, while the investigation into other members of the sabotage group is ongoing.

The Prosecutor General's Office has also completed the investigation in another case initiated against two citizens of Armenia, Ludwig Mkrtychyan and Alyosha Khosrovyan, and submitted it to the court for consideration. These persons are indicted for violation of articles 113 (torture) and 115.2 (infringement of laws and customs of war), along with several other articles, of the Criminal Code of the Republic of Azerbaijan.

L. Mkrtychyan was detained by members of the armed forces of Azerbaijan on 20 October 2020 in the Malikjanli village of the Fuzuli district of Azerbaijan. The investigation has established, including through eyewitness testimonies, that, in the course of military hostilities between Armenia and Azerbaijan in the early 1990s, the said person was involved in committing war crimes against the citizens of Azerbaijan. Acting as an interpreter for the special services of Armenia, he participated in the interrogation of one Azerbaijani citizen taken hostage by Armenia in the Ballija forest near the town of Khojaly and tortured this Azerbaijani captive. He also beat and tortured 11 other Azerbaijani citizens in Armenian captivity in the Khojavand and Aghdara towns of Azerbaijan, as well as in the Shusha prison. In a separate episode, he is indicted for killing an Azerbaijani prisoner of war with a machine gun.

Alyosha Khosrovyan subjected a soldier of the armed forces of Azerbaijan to cruel and inhumane treatment while a prisoner of war in Armenian captivity in 1994 and forced him to perform compulsory labour. A. Khosrovyan also tortured Azerbaijani soldiers in the Shusha prison, systematically beating them and keeping them hungry, and thereby causing serious physical and mental suffering to them in violation of international humanitarian law norms regarding the humane treatment of prisoners of war as protected persons.

The Baku Military Court is currently considering the case of the two aforementioned Armenian citizens. The sittings of the Court are open to the media and the public, including the representatives of foreign countries and international organizations accredited in Azerbaijan.

In another situation, an investigation in the criminal case against a Lebanese citizen, Viken Eulcekjian, has also been completed and submitted to the court. The said person is indicted for participation in military operations against the Republic of Azerbaijan as a mercenary in exchange for a material reward of \$2,500. For this purpose, together with other persons forming an organized group, he illegally crossed the international border of Azerbaijan and joined other mercenaries fighting against the Republic of Azerbaijan. V. Eulcekjian is charged under articles 114.3 (participation of a mercenary in a military conflict or military operation), 214.2.1 (terrorism committed by a group of persons by prior arrangement, by an organized group or a criminal organization) and 318.2 (illegal crossing of the State border by prior arrangement by a group of persons or by an organized group) of the Criminal Code of the Republic of Azerbaijan.

The above-mentioned facts revealed through the investigation and by the eyewitness testimonies are illustrative of the scale and gravity of crimes committed in the course of the armed aggression of Armenia against Azerbaijan. A thorough investigation into all such cases and bringing all the perpetrators to justice continue to be essential. There should be no impunity for all past crimes in order not to allow the same tragedies to be repeated in the future. This would also discourage aggressive revanchism in Armenia and contribute to peace and security in the region.

The international community has also a legal and moral responsibility to expeditiously address the deliberate inaction of Armenia in taking legal and practical measures in respect of wide-ranging crimes that the latter committed against Azerbaijan and its citizens. Of particular importance is the establishment of the whereabouts of close to 4,000 Azerbaijanis who went missing in the course of the armed aggression by Armenia in 1991–1994, as well as the release of maps of the mined areas by Armenia in the recently liberated territories of Azerbaijan.

Yet, amid the lack of adequate reaction and steps by the international community, the political-military leadership of Armenia seems to be encouraged to take further destabilizing actions. Armenia brazenly resorts to series of provocations along the State border with Azerbaijan in view of its domestic political situation ahead of the snap parliamentary elections. On 27 May 2021, the armed forces of Azerbaijan curbed yet another attempt by the armed forces of Armenia to infiltrate the territory of Azerbaijan. Six members of two different reconnaissance-sabotage groups of the armed forces of Armenia were detained in the Kalbajar district, deep inside the internationally recognized territory of Azerbaijan, at geographic coordinates N 40°09'06" and E 45°58'07". The aforementioned detained persons are currently under investigation by the law enforcement bodies of the Republic of Azerbaijan.

Armenia's senior political and military leadership have confirmed the fact that the detained individuals were laying mines on the supply routes of the Azerbaijani military posts in proximity to the State border. Yet, at the same time, Armenia attempts to present the detained persons as "prisoners of war". These claims are totally unsubstantiated under the applicable norms of international humanitarian law.

Furthermore, I would like to draw your attention to the latest reports of the Armenian mass media regarding disrespectful treatment of about 200 bodies of fallen Armenian soldiers, which have been concealed by the Armenian authorities and seven months after the end of the hostilities have not yet been returned to their families.

All these vividly illustrate, yet another time, that the true intention of the Armenian authorities exploiting the issue of missing persons and the so-called “prisoners of war” is to mislead the international community and manipulate their own society through fostering anti-Azerbaijani hatred.

In view of the foregoing, I renew my urgent appeal to you to take all measures within your authority to decisively reject the groundless accusations of Armenia against Azerbaijan and to persuade that country to live up to its international obligations with a view to ending impunity for war crimes, crimes against humanity and other serious violations of international humanitarian and human rights law. The sooner justice is served for all victims of these heinous crimes, the higher will be the chances of ensuring long-awaited peace and security in our region.

(Signed) Jeyhun **Bayramov**
