



# General Assembly Security Council

Distr.: General  
22 March 2021

Original: English

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**General Assembly  
Seventy-fifth session**

Agenda items 34, 35, 40, 70, 72, 86, 114 and 135

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**Security Council  
Seventy-sixth year**

## **Letter dated 19 March 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

In a desperate attempt to respond to my communication addressed to you in connection with the twenty-ninth anniversary of the Khojaly genocide ([A/75/745-S/2021/156](#)), which is characterized by independent analysts as “by a large margin the worst single atrocity of the Armenian-Azerbaijani war”,<sup>1</sup> the Permanent Representative of Armenia once again presented his country’s fabricated and insulting narratives to deny the responsibility for this heinous crime.

It is notable that, while focusing mostly on paragraph 87 of the judgment of the European Court of Human Rights of 2010, the Permanent Representative of Armenia selectively cites almost all sentences in the said paragraph except the following one that summarizes the facts as to the qualification of the offence committed and its perpetrators:

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



It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town, who were reportedly assisted by the 366th Motorised Rifle Regiment (see paragraphs 60–62 above).<sup>2</sup>

Besides, it is also not surprising that the above-referenced paragraphs 60 to 62 of the judgment attracted no attention on the Armenian side. We will help to restore the whole picture. In fact, these paragraphs include some information from independent sources describing what has happened in Khojaly, namely, the Directorate General of Political Affairs of the Council of Europe, Human Rights Watch and the Memorial Human Rights Centre.

Thus, according to the Directorate General of Political Affairs of the Council of Europe, cited in paragraph 60 of the judgment:

In February 1992, almost day-to-day four years after the Sumgait events, the ethnic Armenian forces attacked the only airport in [Nagorno-Karabakh], in Khojali, to the North of the local capital. At the time, the population of Khojali was 7000. The Azerbaijani view is that the taking of Khojali, which left some 150 defenders of the airport dead, was followed by unprecedented brutalities against the civilian population. In one day, reportedly 613 unarmed people were massacred and close to 1300 were captured – many of them while trying to flee through an alleged humanitarian corridor. The Armenian side contests this view and the number of casualties.

The Khojali massacre sparked an exodus of Azerbaijanis and precipitated a political crisis in Baku. Five years later, in 1997, President Aliyev issued a Decree referring to the tragedy as the “Khojali genocide”.<sup>3</sup>

Paragraph 61 of the judgment brings to our attention the following extracts from the Human Rights Watch World Report 1993 on the former Soviet Union:

During the winter of 1992, Armenian forces went on the offensive, forcing almost the entire Azerbaijani population of the enclave to flee, and committing unconscionable acts of violence against civilians as they fled. The most notorious of these attacks occurred on February 25 in the village of Khojaly. A large column of residents, accompanied by a few dozen retreating fighters, fled the city as it fell to Armenian forces. As they approached the border with Azerbaijan, they came across an Armenian military post and were cruelly fired upon. At least 161 civilians are known to have been murdered in this incident, although Azerbaijani officials estimate that about 800 perished. Armenian forces killed unarmed civilians and soldiers who were hors de combat, and looted and sometimes burned homes.<sup>4</sup>

Finally, paragraph 62 of the judgment presents the findings contained in the report of another non-governmental organization, the Moscow-based Memorial Human Rights Centre, “on massive violations of human rights in connection with the armed capture of the town of Khojaly on the night of 25 to 26 February 1992”. Evidently, the report refutes the allegations of the Armenian side that “a ‘free corridor’ was provided for fleeing civilians” and that “leaflets had been dropped on Khojaly from helicopters, urging the Khojaly population to use the ‘free corridor’”. The report points out in particular that “not a single copy of such a leaflet has been

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<sup>2</sup> Judgment of the European Court of Human Rights, App. No. 40984/07, 22 April 2010, para. 87.

<sup>3</sup> Ibid., para. 60.

<sup>4</sup> Ibid., para. 61.

provided to Memorial's observers in support of this assertion", that "no traces of such leaflets have been found by Memorial's observers in Khojaly" and that, "when interviewed, Khojaly refugees said that they had not heard about such leaflets".

The Memorial Human Rights Centre also submits the following:

Part of the population started to leave Khojaly soon after the assault began, trying to flee in the direction of Agdam. There were armed people from the town's garrison among some of the fleeing groups. People left in two directions: (1) from the eastern side of the town in the north-east direction along the river, passing Askeran to their left (this specific route, according to Armenian officials, was provided as a "free corridor"); (2) from the northern side of the town in the north-east direction, passing Askeran to their right (it appears that a smaller number of refugees fled using this route). Thus, the majority of civilians left Khojaly, while around 200–300 people stayed in Khojaly, hiding in their houses and basements. As a result of the shelling of the town, an unascertained number of civilians were killed on the territory of Khojaly during the assault. The Armenian side practically refused to provide information about the number of people who so perished....

A large column of inhabitants [of Khojaly] rushed out of town along the river (route 1 – [see above]). There were armed people from the town garrison in some of the groups of refugees. These refugees, who walked along the "free corridor"..., were fired upon, as a result of which many people were killed. Those who remained alive dispersed. Running [refugees] came across Armenian military posts and were fired upon. Some refugees managed to escape to Agdam, some, mainly women and children (the exact number is impossible to determine), froze to death while wandering around in mountains, some ... were captured ... The site of the mass killing of refugees, as well as their corpses, was filmed on videotape when the Azerbaijani units carried out an operation to evacuate the corpses to Agdam by helicopter... Among the corpses filmed on the videotape, the majority were those of women and elderly people; there were also children among those killed. At the same time, there were also people in uniform among those killed.... Within four days, about 200 corpses were evacuated to Agdam. A few score of corpses bore signs of mutilation....<sup>5</sup>

In the same report, the Memorial Human Rights Centre makes it abundantly clear that: (i) "there was mass violence upon the civilians of Khojaly during the military operation to take this town"; (ii) "the mass murder of civilians in the 'free corridor' zone and adjacent territory cannot be justified under any circumstances"; (iii) "the civilians remaining in Khojaly after it was taken by Armenian detachments were deported"; (iv) "these actions were carried out in an organized manner"; and (v) "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".<sup>6</sup>

Furthermore, Human Rights Watch/Helsinki was compelled to make later the following clarification in response to attempts by Armenia to misrepresent its findings and those of the Memorial Human Rights Centre:

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<sup>5</sup> Ibid., para. 62.

<sup>6</sup> 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.

Our research and that of the Memorial Human Rights Centre found that the retreating militia fled Khojaly along with some of the large groups of fleeing civilians. Our report noted that by remaining armed and in uniform, the Azerbaijani militia may be considered as combatants and thus endangered fleeing civilians, even if their intent had been to protect them.

Yet we place direct responsibility for the civilian deaths with Karabakh Armenian forces. Indeed, neither our report nor that of [the Centre] includes any evidence to support the argument that Azerbaijani forces obstructed the flight of, or fired on Azeri civilians.<sup>7</sup>

The fact that Armenia and its political and military leadership and subordinate forces, including terrorist groups and mercenaries, are responsible for the commission of multiple war crimes in Khojaly and in other territories of Azerbaijan throughout the conflict is well documented, not only by the official investigation, but also by numerous independent and impartial sources consisting, inter alia, of the documents of international organizations and reports by eminent international lawyers, foreign journalists, human rights activists and international non-governmental organizations.

Moreover, pronouncements by high-ranking officials of Armenia, along with publications of Armenian authors, also unambiguously confirm that Armenian forces carried out targeted attacks against Azerbaijani civilians in the town of Khojaly in February 1992.

Thus, the former Minister of Defence and President of Armenia, Serzh Sargsyan, who had previously been a senior commander of the unlawful armed groups in the occupied territories of Azerbaijan, which had participated in the seizure of Khojaly and mass killings of its inhabitants, cynically said the following in an interview: “Before Khojaly, the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We needed to put a stop to all that. And that’s what happened.”<sup>8</sup>

In the same interview, S. Sargsyan also debunked the myth about the corridor allegedly left open by the assailants for the civilian population of Khojaly. He conceded that “generally speaking, this was after Khojaly”, since at the time “there was a certain amount of ethnic cleansing”, as “it’s impossible to do this any other way”.<sup>9</sup>

In reply to a question regarding whether things could have happened differently and whether he had any regrets about the death of thousands of people, S. Sargsyan responded without remorse that “he has absolutely no regrets”, since “such upheavals are necessary, even if thousands have to die”.<sup>10</sup>

Another former senior official in Armenia, Jirair Libaridian, who was chief adviser to the first President of Armenia, Levon Ter-Petrossian, at the time of the Khojaly massacre, admitted that it was “very difficult for an Armenian to write about Khojali” because “something unacceptable did happen, something that involved killings and mutilation of Azeri civilians by Armenian forces in Karabakh”.<sup>11</sup>

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<sup>7</sup> Letter dated 23 March 1997 from the Executive Director of Human Rights Watch/Helsinki addressed to the Minister for Foreign Affairs of Armenia. Available at [www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh#](http://www.hrw.org/news/1997/03/23/response-armenian-government-letter-town-khojaly-nagorno-karabakh#).

<sup>8</sup> Available at <https://carnegieendowment.org/2012/02/24/president-interview-andtragic-anniversary/9vpa>.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Gerard Libaridian, “An Armenian perspective on Khojali”, February 2014. Available at [www.opendemocracy.net/en/armenian-perspective-on-khojali/](http://www.opendemocracy.net/en/armenian-perspective-on-khojali/).

The Armenian author Markar Melkonian, who dedicated his memoirs to the “glorious road” followed by his brother, the notorious international terrorist Monte Melkonian, who personally took part in the assault on Khojaly, describes in detail how Armenian soldiers butchered the peaceful inhabitants of this town. Thus, as he puts it, some inhabitants of Khojaly had almost made it to safety, after fleeing for nearly six miles, when “[Armenian] soldiers had chased them down”. The soldiers, in his words, “unsheathed the knives they had carried on their hips for so long, and began stabbing”.<sup>12</sup>

The testimonies of the witnesses and survivors of the tragedy also unambiguously disprove any denial of responsibility for the crimes committed by the Armenians in Khojaly. As a survivor of the massacre, Durdane Agayeva, said, “to deny that what happened to me happened at all, as if to deny that I ever existed”. The following excerpts from her recently published testimony are self-explanatory:

I am a survivor of the Khojaly Massacre. I was only 20, when I was captured by Armenian troops. I had just finished high school and started my first job as a telephone operator. When my hometown of Khojaly was invaded by Armenia on that freezing night of Feb. 25/26, 1992, my relatives, friends and everyone we all knew ran for our lives into the dark of night, as bullets flew around us and screams penetrated our ears. I was captured, and because I worked for our town’s telephone company, it was assumed that I held classified information about Azerbaijan’s communication systems. I was one of hundreds of Azerbaijani civilians, alongside children and women, that were held captive in the Armenian torture camp, where I was subjected to unspeakable violations and cruelty, and I have required multiple spinal surgeries during the last three decades to address the damage I endured.

If I had not made it through, if I had not been traded by my Armenian captors on the side of the road for cigarettes and gasoline, I would not even be able to write this letter today, to make sure that the voices of the 613 civilians of Khojaly who were murdered that night by Armenian troops, including 106 women, 70 elderly and 63 children, are heard. To suggest that Khojaly didn’t happen is tantamount to saying the 613 Azerbaijanis murdered that day never existed. A peaceful world has no room for revisionism and denial, and I have survived and recovered so that I could write this letter and make that point clear.<sup>13</sup>

The overall assessment of the causes and tragic consequences of the war unleashed by Armenia against Azerbaijan makes it absolutely clear that the intentional slaughter of Khojaly civilians and defenders was part of Armenia’s widespread and systematic policy and practice of atrocities. Khojaly was chosen as a stage for further aggression, occupation and the ethnic cleansing of Azerbaijani territories.

The establishment of truth with respect to serious violations of international humanitarian law and international human rights law committed during the conflict, the provision of adequate and effective reparations to victims and institutional actions to prevent the repetition of such violations are among the necessary prerequisites for genuine reconciliation and sustainable peace. The Republic of Azerbaijan is determined to continue its efforts towards putting an end to impunity and ensuring justice and accountability.

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<sup>12</sup> Markar Malkonian, *My Brother’s Road: An American’s Fateful Journey to Armenia* (London and New York, I. B. Tauris), 2005, pp. 213–214.

<sup>13</sup> Available at <https://jewishjournal.com/commentary/blogs/333427/facing-denial-of-war-crimes-in-california/?fbclid=IwAR2aK84YpaRpXnYFXm8BS24G337supH1nAO7z81ctWeRwC6G3J9nSiekjH4>.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 35, 40, 70, 72, 86, 114 and 135, and of the Security Council.

(Signed) Yashar Aliyev  
Ambassador  
Permanent Representative

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