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**Prevention of armed conflict**

**Protracted conflicts in the GUAM area and their implications  
for international peace, security and development**

**The situation in the occupied territories of Azerbaijan**

**The rule of law at the national and international levels**

**Security Council  
Seventy-sixth year**

## **Letter dated 12 January 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

As is known, the conflict between Armenia and Azerbaijan began at the end of 1987, during the existence of the Union of Soviet Socialist Republics (USSR), with Armenia's unlawful and groundless territorial claims on the Daghlyq Garabagh (Nagorno-Karabakh) autonomous oblast of Azerbaijan. These claims, which were made under the pretext of alleged care of Armenians living in the area, but, in effect, were part of the long nurtured plan of annexing and ethnically cleansing the ancestral Azerbaijani lands, marked the beginning of the assaults on the Azerbaijanis and their expulsion from both the autonomous oblast and Armenia itself. Thus, all Azerbaijanis, who had remained in Armenia out of once half-a-million population, were brutally expelled from their homeland at the end of the 1980s.

Moreover, contrary to the USSR Constitution,<sup>1</sup> both Armenia and the extremist elements among the Armenian community of Daghlyq Garabagh adopted a number of decisions to institute the process of unilateral secession of the autonomous oblast from Azerbaijan, including the resolution of the Supreme Soviet of the Armenian Soviet Socialist Republic on the unification of the Armenian Soviet Socialist Republic and Daghlyq Garabagh of 1 December 1989.

<sup>1</sup> Within the USSR, there were fifteen Union Republics: Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. According to article 78 of the Constitution of the USSR, the territory of a Union Republic could not be altered without its consent, while the borders between the Union Republics could be altered by the mutual agreement of the Republics concerned, subject to approval by the USSR.



On the eve of the independence of Azerbaijan, the unlawfulness within the Soviet legal system of attempted secession of Daghylyq Garabagh or its unification with Armenia without Azerbaijan's consent was confirmed at the highest constitutional level. Both Armenia and Azerbaijan came to independence and were recognized as such in accordance with international law within the boundaries that they had had as Republics of the USSR. Accordingly, the definition of the territory of Azerbaijan as it proceeded to independence and in the light of the applicable law clearly included the territory of the former Daghylyq Garabagh autonomous oblast.<sup>2</sup>

At the end of 1991 and the beginning of 1992, Armenia unleashed full-scale war against Azerbaijan. The active military phase of the conflict had continued until the establishment of the ceasefire in May 1994. By that time a significant part of the territory of Azerbaijan, including Daghylyq Qarabagh, the seven surrounding districts (Aghdam, Fuzuli, Gubadly, Kalbajar, Lachyn, Jabrayil and Zangilan) and some exclaves, were occupied.

Serious violations of international humanitarian law amounting to war crimes, crimes against humanity and acts of genocide were committed by Armenian forces in the course of the aggression, resulting in the killing of tens of thousands of people, ethnic cleansing of all captured areas of more than 700,000 Azerbaijanis and the destruction and plunder of hundreds of cities, towns and villages in Azerbaijan.<sup>3</sup>

It is pertinent to recall the chronology of that tragic period and look into the causes of the failure of the international community to prevent the conflict, ensure the compliance with international law, broker the peaceful settlement of the conflict and put an end to impunity.

The first armed attack by Armenia against Azerbaijan after the independence of the two Republics – an attack in which organized military formations and armoured vehicles – occurred in February 1992, when the town of Khojaly in Daghylyq Garabagh was notoriously overrun. The assault was carried out by Armenian armed forces, with the direct participation of regiment No. 366 of the former USSR remained in the area after the Soviet Union had ceased to exist. As a result of the attack and capture of the town, 613 Azerbaijani civilians were killed, including 106 women, 63 children and 70 elderly people. Another 1,000 people were wounded, 1,275 residents of Khojaly were taken hostage and 150 people went missing.

International courts and organizations 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, expressing deep concern “about recent reports of indiscriminate killings and outrages” in Azerbaijan and firmly condemning “the violence and attacks directed against the civilian populations in the Nagorno Karabakh area of the Azerbaijan Republic”.<sup>4</sup> 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

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<sup>2</sup> For more information, see identical letters dated 20 September 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, [A/74/450-S/2019/762](#) (23 September 2019); and Malcolm N. Shaw, “Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims”, [A/74/961-S/2020/729](#) (22 July 2020), annex, paras. 154–178.

<sup>3</sup> See Malcolm N. Shaw and Naomi Hart, “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 (7 February 2020).

<sup>4</sup> Declaration on Nagorno-Karabakh, adopted by the Committee of Ministers on 11 March 1992 at the 471 bis meeting of the Ministers’ Deputies, Doc. No. CM/Del/Concl(92)471bis.

humanity”.<sup>5</sup> The Organization of Islamic Cooperation has called for international and national recognition of 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”.<sup>6</sup> One expert commentator has described the slaughter in Khojaly as “by a large margin the worst single atrocity of the Armenian-Azerbaijani war”.<sup>7</sup>

This horrific crime was committed less than a month after Armenia had been admitted to the United Nations and the Security Council had recalled “Armenia’s solemn commitment to uphold the Purposes and Principles of the Charter [of the United Nations], which include the principles relating to the peaceful settlement of disputes and the non-use of force”.<sup>8</sup>

As one author has observed, “a key component of the Karabakh insurgency’s strategy was the cleansing of Azeri civilians from towns and villages inside Nagorno-Karabakh and in the territories separating Nagorno-Karabakh from Armenia”. In order to achieve that objective, “major Azeri towns in the region ... were looted, burned, and ‘systematically levelled so that only foundations remain’ and their Azeri populations were forcibly expelled”.<sup>9</sup>

On 9 May 1992, the city of Shusha in Daghlyq Garabagh – Azerbaijan’s historical centre and cultural capital, with a predominantly Azerbaijani population before the war – was seized by Armenian forces. The city and the surrounding villages were ethnically cleansed of their 24,000 Azerbaijani population; 195 civilians were killed, 165 were wounded and 58 persons went missing. What should be particularly noted is that Shusha was captured while the political leadership of Armenia and Azerbaijan had negotiations in Tehran, as an outcome of which they signed the Joint Statement, committing to resolve the conflict by peaceful means and in accordance with international law. The Armenian side would resort to similar perfidious methods over and over again in the course of the conflict.

On 12 May 1992, the Security Council adopted its first presidential note in connection with the conflict, expressing deep concern by “recent reports on the deterioration of the situation relating to Nagorno-Karabakh and by violations of ceasefire agreements which have caused heavy losses of human life and widespread material damage, and by their consequences for the countries of the region” and calling “to take all steps necessary to bring the violence to an end”.<sup>10</sup>

Despite that, following direct artillery bombardment from within the territory of Armenia, Lachyn, the border district of Azerbaijan situated between Armenia and the Daghlyq Garabagh region of Azerbaijan, was occupied and its population, more than 77,000 residents, was forced to leave their homes and properties. The European Court of Human Rights has found that, since May 1992, “[t]he district of Lachin, in

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<sup>5</sup> *Fatullayev v. Azerbaijan*, App. No. 40984/07, European Court of Human Rights, 22 April 2010, para. 87.

<sup>6</sup> Organization of Islamic Cooperation, resolution No. 8/43-C on Affiliated Institutions, 18–19 October 2016, para. 8; and Organization of Islamic Cooperation, Final communiqué of the twelfth session of the Islamic Summit Conference, 6–7 February 2013, para. 117.

<sup>7</sup> Laurence Broers, *Armenia and Azerbaijan: Anatomy of a Rivalry* (Edinburgh, Edinburgh University Press, 2019), p. 37. See also “The crime in Khojaly: perpetrators, qualification and responsibility under international law”, [A/67/753-S/2013/106](#) (22 February 2013); letter dated 24 February 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/74/718-S/2020/149](#) (26 February 2020); and letter dated 14 April 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/74/807-S/2020/303](#) (15 April 2020), annexes.

<sup>8</sup> See [S/23496](#) (29 January 1992).

<sup>9</sup> Jessica A. Stanton, *Violence and Restraint in Civil War: Civilian Targeting in the Shadow of International Law* (New York, Cambridge University Press, 2016), p. 237.

<sup>10</sup> See [S/23904](#).

particular the town of Lachin, was attacked many times”, including by “aerial bombardment”.<sup>11</sup>

By the end of 1992, two other presidential notes were adopted by the Security Council.<sup>12</sup> However, neither those measures within the Council nor the efforts of the then Conference on Security and Cooperation in Europe (CSCE) prevented the intensification and expansion of aggression against Azerbaijan.

At the end of March and the beginning of April 1993, Armenian forces launched an offensive on Kalbajar, another district of Azerbaijan bordering with Armenia, with 93,000 residents, which have caused numerous casualties among civilians and mass expulsion. The Government of Azerbaijan appealed to the world community to use all the means at its disposal to influence the high-handed aggressor and avert the deaths of tens of thousands of peaceful people in the Kalbajar and Lachyn districts of Azerbaijan.<sup>13</sup>

Owing to the deterioration of relations between Armenia and Azerbaijan and the invasion of Kalbajar by Armenian forces, the Security Council adopted a presidential note on 6 April 1993, demanding the immediate cessation of all hostilities and the withdrawal of Armenian forces and reaffirming the sovereignty and territorial integrity of all States of the region and the inviolability of their borders.<sup>14</sup>

The same month, on 30 April 1993, the Security Council adopted its first resolution on the conflict, resolution [822 \(1993\)](#), reaffirming the principle of “the inadmissibility of the use of force for the acquisition of territory”, demanding “the immediate cessation of all hostilities and hostile acts with a view to establishing a durable ceasefire, as well as immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan”.

Following the adoption of resolution [822 \(1993\)](#), the CSCE Minsk Group, composed of the nine countries, worked out the “timetable of urgent steps” to implement the resolution.

However, the demands of the Security Council and peace efforts were ignored by the Armenian side, whose armed forces continued to advance, seizing new territories of Azerbaijan and killing more civilians in the captured areas. Between July and October 1993, five other districts of Azerbaijan, situated outside Daghlyq Garabagh, were occupied, looted, destroyed and ethnically cleansed of their over half-a-million population. As Human Rights Watch stated: “During 1993, the vast majority of violations of the rules of war, such as indiscriminate fire,... were the direct result of Karabakh Armenian offensives, often supported by forces from the Republic of Armenia”.<sup>15</sup> In particular, it reported that “many Azeris were killed by indiscriminate fire as they attempted to escape” towns that had been captured by Armenian forces.<sup>16</sup>

On 28 July 1993, Azerbaijan reported to the Security Council: “The city of Aghdam was totally captured on 23 July. Most of the city was destroyed by Armenian artillery. In the eastern part of the city, which has not suffered as severely under the

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<sup>11</sup> *Chiragov and Others v. Armenia*, App. No. 13216/05, European Court of Human Rights (Grand Chamber), 16 June 2015, para. 19.

<sup>12</sup> See [S/24493](#) (26 August 1992) and [S/24721](#) (27 October 1992).

<sup>13</sup> See the letters dated 30 and 31 March 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council, [S/25491](#) (30 March 1993) and [S/25509](#) (1 April 1993).

<sup>14</sup> See [S/25539](#).

<sup>15</sup> Human Rights Watch/Helsinki, *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh* (December 1994), p. 12.

<sup>16</sup> *Ibid.*, p. xii.

shelling and bombing, Armenian soldiers pillaged and ransacked houses. On 27 July, Armenian troops burned most of the city.”<sup>17</sup>

On 29 July 1993, the Security Council adopted resolution [853 \(1993\)](#), condemning “the seizure of the district of Agdam and of all other recently occupied areas of the Azerbaijan”, demanding “the immediate cessation of hostilities and the immediate, complete and unconditional withdrawal of the occupying forces involved from the occupied areas of the Azerbaijani Republic”. The Security Council also reaffirmed “the sovereignty and territorial integrity of Azerbaijan and of all other States in the region” and “the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory”.

On 17 August 1993, H.E. Mr. Heydar Aliyev, Acting President and Chairman of the Supreme Soviet of the Republic of Azerbaijan, addressed a letter to the President of the Security Council, requesting to convene the Council meeting in connection with the failure of the Armenian side to comply with resolutions [822 \(1993\)](#) and [853 \(1993\)](#):

It is completely obvious that not only the occupied, burned and pillaged Kalbajar and Aghdam districts but also other Azerbaijani territories have not been liberated. The aggressor is brazenly ignoring Security Council decisions and all norms of international law, continuing to seize and burn peaceful Azerbaijani villages in the Fuzuli district, conducting a massed offensive against the town of Fuzuli, expanding offensives deep into our territory – towards Jabrayil and Gubadly, and attempting to take the town of Barda and other inhabited areas.<sup>18</sup>

On 18 August 1993, the Security Council adopted a presidential note, condemning the attack on the Fuzuli district of Azerbaijan and demanding “a stop to all attacks and an immediate cessation of the hostilities and bombardments, which endanger peace and security in the region, and an immediate, complete and unconditional withdrawal of occupying forces from the area of Fizuli, and from the districts of Kelbadjar and Agdam and other recently occupied areas of the Azerbaijani Republic”. The Council also reaffirmed “the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region and the inviolability of their borders” and expressed “its grave concern at the effect these hostilities have had on the efforts of the Minsk Group of the Conference on Security and Cooperation in Europe (CSCE) to achieve a peaceful solution to the conflict”.

Notwithstanding the above-mentioned demands of the Security Council, Armenian forces continued offensive and completed the seizure of Fuzuli by 23 August 1993. The same day, they captured the Jabrayil district and, on 31 August 1993, the Gubadly district.

Thus, in less than a month after the adoption of Security Council resolution [853 \(1993\)](#), Armenian forces occupied three other districts of Azerbaijan.

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<sup>17</sup> Letter dated 28 July 1993 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council, [S/26194](#) (31 July 1993). See also the statements by the Ministry of Foreign Affairs of Azerbaijan, [S/26013](#) (29 June 1993), [S/26137](#) (22 July 1993), [S/26160](#) (26 July 1993), [S/26163](#) (26 July 1993), [S/26181](#) (27 July 1993) and [S/26228](#) (3 August 1993), annexes; and the letters from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the Security Council, [S/25984](#) (22 June 1993), [S/26079](#) (14 July 1993), [S/26129](#) (21 July 1993), [S/26136](#) (22 July 1993), [S/26143](#) (25 July 1993), [S/26271](#) (7 August 1993), [S/26305](#) (16 August 1993) and [S/26314](#) (17 August 1993).

<sup>18</sup> Letter dated 24 July 1993 from the Acting President of Azerbaijan addressed to the President of the Security Council, [S/26318](#), annex (17 August 1993).

On 14 October 1993, the Security Council adopted resolution [874 \(1993\)](#), reaffirming “the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region” and “the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory” and calling upon the parties concerned “to make effective and permanent the ceasefire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group”, reiterating “its full support for the peace process” and calling for “the immediate implementation of the reciprocal and urgent steps provided for in the CSCE Minsk Group’s “Adjusted timetable”, including the withdrawal of forces from recently occupied territories and the removal of all obstacles to communications and transportation”.

However, soon after the adoption of resolution [874 \(1993\)](#) and despite the intense diplomatic efforts and the ceasefire agreement, Armenian forces renewed attacks.<sup>19</sup>

On 12 November 1993, the Security Council adopted resolution [884 \(1993\)](#), “particularly condemn[ing] the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Azerbaijani Republic”; demanding “the immediate cessation of armed hostilities and hostile acts, the unilateral withdrawal of occupying forces from the Zangelan district and the city of Goradiz, and the withdrawal of occupying forces from other recently occupied areas of the Azerbaijani Republic” and strongly urging the parties “to resume promptly and to make effective and permanent the ceasefire established as a result of the direct contacts undertaken with the assistance of the Government of the Russian Federation in support of the CSCE Minsk Group, and to continue to seek a negotiated settlement of the conflict ...”. The Council also reaffirmed “the sovereignty and territorial integrity of the Azerbaijani Republic and of all other States in the region”, as well as “the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory”.

The events that unfolded before and in the aftermath of the adoption of each resolution, as well as the specific formulations used in the resolutions and presidential notes of the Security Council and the positions expressed by Council members, leave no doubt as to who was responsible for unleashing the war and refusing to cease hostilities.<sup>20</sup>

Likewise, the CSCE Minsk Group also blamed the Armenian side for disregarding the resolutions of the Security Council and challenging the mediation efforts.

Thus, on 27 July 1993, the Chairman of the CSCE Minsk Conference submitted a statement to the President of the Security Council, “strongly condemn[ing] the offensive on, and the reported seizure of, the Azerbaijani city of Agdam” and “ask[ing] for the immediate cessation of hostilities and for the withdrawal from the occupied territory”. According to the statement, “[t]his unacceptable act occurred at

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<sup>19</sup> See the letter dated 26 October 1993 from H.E. Mr. Heydar Aliyev, President of the Republic of Azerbaijan, addressed to the President of the Security Council, [S/26647](#), annex (27 October 1993); statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan, [S/26657](#), annex (28 October 1993); statement by the Ministry of Defense of the Republic of Azerbaijan dated 27 October 1993, [S/26658](#), annex (28 October 1993); letter from the Minister of Foreign Affairs of the Republic of Azerbaijan dated 29 October 1993 addressed to the President of the Secretary-General, [S/26674](#), annex (31 October 1993); and letter from the Chargé d'affaires of the Permanent Mission of the Republic of Azerbaijan dated 2 November 1993 addressed to the President of the Security Council, [S/26682](#) (2 November 1993).

<sup>20</sup> See, for example, the official records of the meetings of the Security Council, [S/PV.3205](#) (30 April 1993), [S/PV.3259](#) (29 July 1993) and [S/PV.3313](#) (12 November 1993).

the very moment when the nine were meeting to prepare the final version of the ceasefire timetable”.<sup>21</sup>

On 26 October 1993, the Chairman of the CSCE Council stated that the “[a]cquisition of territory by force can never be condoned or accepted as a basis for territorial claims”.<sup>22</sup> The Declaration of the Nine submitted to the President of the Security Council on 9 November 1993 by the CSCE Minsk Group, concerning the latest developments on the ground, is phrased along the same lines: “The nine countries also condemn the looting, burning and destruction of villages and towns, which cannot be justified under any standards of civilized behaviour. No acquisition of territory by force can be recognized, and the occupation of territory cannot be used to obtain international recognition or to impose a change of legal status”.<sup>23</sup>

The ceasefire was established on 12 May 1994 and has subsequently been reconfirmed on a number of occasions.

Later the same year, the Secretary-General of the United Nations, Boutros Boutros-Ghali, expressed the following consolidated position of the Organization:

The position of the United Nations is based on four principles which have been mentioned in the different resolutions of the Security Council. The first principle is the territorial integrity of Azerbaijan; the second principle is the inviolability of the international boundaries; the third principle is the inadmissibility of the use of force for the acquisition of territory; and the fourth principle is the immediate and unconditional withdrawal of all foreign troops from occupied territories of Azerbaijan.<sup>24</sup>

The resolutions of the Security Council provide authoritative clarification as to the committed acts, the violated obligations and the duties to put an end to the illegal situation thus created. They qualified Armenia’s actions as the unlawful use of force, in contravention of the Charter of the United Nations and international law, and invalidated its claims over the territories of Azerbaijan once and for all.

The resolutions also formed the basis of the mandate of the Minsk Group of the CSCE (later, the Organization for Security and Cooperation in Europe (OSCE)) and its Co-chairmen and provided the framework for the settlement of the conflict. Thus, in their decision adopted at the CSCE Budapest Summit, held on 5–6 December 1994, the participating States, including both Armenia and Azerbaijan, inter alia, “confirmed their commitment to the relevant resolutions of the United Nations Security Council and welcomed the political support given by the Security Council to the CSCE’s efforts towards a peaceful settlement of the conflict”.

In the latest statement of the President of the Security Council on the conflict, adopted on 26 April 1995, the Council reaffirmed “all its relevant resolutions, inter alia, on the principles of sovereignty and territorial integrity of all States in the region” and also “the inadmissibility of the use of force for the acquisition of territory” and reiterated “its request that the Secretary-General, the Chairman-in-Office of the OSCE and the Co-Chairmen of the OSCE Minsk Conference continue to report to the Council on the progress of the Minsk process and on the situation on the ground, in particular, on the implementation of its relevant resolutions and on

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<sup>21</sup> Report by the Chair of the CSCE Minsk Conference on Nagorny Karabakh to the President of the Security Council dated 27 July 1993 and statement by the Chair of the CSCE Minsk Conference on the offensive on and reported seizure of the Azerbaijani city of Agdam, [S/26184](#), annex and appendix (28 July 1993).

<sup>22</sup> CSCE Communication No. 284, Prague, 26 October 1993.

<sup>23</sup> See [S/26718](#), enclosure I (10 November 1993).

<sup>24</sup> See press release SG/SM/5460 (31 October 1994).

present and future cooperation between the OSCE and the United Nations in this regard”.<sup>25</sup>

However, Security Council key demands, including in the first place the withdrawal of the occupying forces from the occupied territories of Azerbaijan, have not been implemented by Armenia and the mediation efforts conducted for almost 30 years within the framework of the CSCE/OSCE have yielded no results.

The Republic of Azerbaijan has constantly and continuously protested against Armenia’s aggression, the resulting situation of illegality and non-implementation of the Security Council resolutions. We have repeatedly brought to the attention of the international community the threats and challenges posed by Armenia’s continued unlawful presence in the occupied territories of Azerbaijan.

Since March 1992, Azerbaijan has addressed some 570 communications to the Security Council, the General Assembly and the Economic and Social Council and has delivered about 200 statements in the same organs of the United Nations, not mentioning hundreds of interventions in the Main Committees of the General Assembly and at other United Nations meetings and international conferences.

Yet in June 1993, Azerbaijan stated the following: “It would be naive to assume that the Azerbaijani people will resign itself forever to the occupation of its lands. The liberation of the territory seized by the Armenian armed forces is, for Azerbaijan, only a matter of time, while the impediments to a political settlement created by Armenia’s aggressive policy only postpone the day of peace which is surely the dream of people besides those of Azerbaijan.”<sup>26</sup>

Since then, Azerbaijan has consistently underlined that aggression and its military consequences do not represent a solution and will never produce the political outcome desired by Armenia, that Azerbaijan will never compromise its territorial integrity and the rights and freedoms of its citizens violated as a result of the aggression, that the resolution of the conflict is possible only on the basis of the norms and principles of international law, with full respect for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders, that Armenia will be compelled to withdraw its armed forces from all the occupied territories of Azerbaijan and that the demographic composition and the cultural structure of the liberated areas will be restored and the right of the forcibly displaced population to return to their homes in safety and dignity will be ensured.

In his address at the general debate of the seventy-fifth session of the General Assembly on 24 September 2020, H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, stated the following: “The Armenia-Azerbaijan conflict must be resolved on the basis of the territorial integrity of Azerbaijan. Azerbaijan’s territorial integrity has never been and will never be a subject of negotiations. The sovereignty and territorial integrity of Azerbaijan must be completely restored. Nagorno-Karabakh is ancient and historical Azerbaijani lands. Karabakh is Azerbaijan.”

Against the background of the uninterrupted attempts of Armenia to cover up its unlawful actions and depart from its commitments and obligations by means of misinterpretation of the international legal norms and principles and the aforementioned Security Council resolutions, Azerbaijan has consistently promoted the critical importance of upholding international law and of its faithful application in order to achieve a long-awaited breakthrough in resolving the conflict and ending

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<sup>25</sup> See [S/PRST/1995/21](#).

<sup>26</sup> Statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan, [S/26160](#), annex (29 June 1993).



the occupation of the territories of Azerbaijan and the suffering of the peoples affected by the Armenian aggression.

Over the years since the beginning of the conflict, with a view to contributing to a better understanding of the existing commitments and obligations for addressing the resolution of the conflict and related issues and offering concrete measures that might be taken in that regard, Azerbaijan has actively encouraged discussions, in an open and transparent manner, on political, military, legal, economic, social and humanitarian aspects of the conflict, including within the United Nations, and has brought to the attention of Armenia and the international community the authoritative neutral opinions of eminent international experts.

Thus, in 2008, Azerbaijan submitted to the Secretary-General the report, written by Professor Yoram Dinstein, who pointed out in particular the following:

Ceasefires, by their very nature, are no more than interludes. Indeed, it must not be forgotten that a prolonged ceasefire – in freezing lines extant at the moment when hostilities were suspended – plays into the hands of an aggressor State that gained ground through its armed attack. “In circumstances where the aggressor state has acquired control over territory pertaining *prima facie* to the defending state, a cease-fire would tend to entrench positions of control, and recovery through negotiations may prove a difficult, if not an impossible task”. A cease-fire, even when long-standing, is not meant to last forever *qua* cease-fire. A cease-fire is merely supposed to be a springboard for diplomatic action: to provide “a breathing space for the negotiation of more lasting agreements”. This is precisely what the Republic of Azerbaijan has been striving to accomplish all these years. But, once the Republic of Azerbaijan arrives at the firm conclusion that a peaceful settlement – based on withdrawal by the Republic of Armenia from Nagorny Karabakh and surrounding areas – is unattainable, it is entitled to terminate the cease-fire and resume the exercise of self-defence.

Evidently, the Republic of Armenia may still forestall such developments by putting a prompt end to the occupation of Nagorny Karabakh and surrounding areas. Should the Republic of Armenia do this while the ceasefire lasts, and before the Republic of Azerbaijan opts to reinvoke its right of self-defence, there would be no ground for any actual resumption of hostilities. Irrespective of a prognosticated Armenian withdrawal, the Parties to the conflict would still have to resolve outstanding issues of State responsibility. But, if the Armenian occupation of Nagorny Karabakh and surrounding areas were to be terminated, any reason for the use of counter-force by the Republic of Azerbaijan against the Republic of Armenia will have disappeared.<sup>27</sup>

The comprehensive analysis have been provided also in the reports on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims,<sup>28</sup> on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory,<sup>29</sup> on the international legal rights of the Azerbaijani internally displaced persons and the

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<sup>27</sup> Yoram Dinstein, “Report on the legal consequences of the armed aggression by the Republic of Armenia against the Republic of Azerbaijan”, [A/63/662-S/2008/812](#), annex, paras. 27–28 (24 December 2008).

<sup>28</sup> Malcolm N. Shaw, “Report on the fundamental norm of the territorial integrity of States and the right to self-determination in the light of Armenia’s revisionist claims”, [A/63/664-S/2008/823](#), annex (29 December 2008); and [A/74/961-S/2020/729](#), annex (22 July 2020).

<sup>29</sup> Malcolm N. Shaw, “Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory”, [A/63/692-S/2009/51](#), annex (27 January 2009); and [A/74/881-S/2020/503](#), annex (5 June 2020).

Republic of Armenia's responsibility,<sup>30</sup> on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia's responsibility,<sup>31</sup> all four of which were prepared by Professor Malcolm Shaw, and on third party obligations with respect to illegal economic and other activities in the occupied territories of Azerbaijan, written by Professor Alain Pellet.<sup>32</sup>

Furthermore, in 2016, Azerbaijan submitted to the Secretary-General a detailed report on illegal economic and other activities in the occupied territories of Azerbaijan, which demonstrated, through facts, figures and statistical data, that Armenia's policy and practices in the occupied territories of Azerbaijan were in breach of international law, undermined the prospects of achieving a political settlement of the conflict and posed an imminent threat to peace, security and stability in the region.<sup>33</sup>

Azerbaijan has also consistently drawn the attention of the international community to Armenia's military build-up in the occupied territories of Azerbaijan, the deployment of its armed forces and a large quantity of undeclared and uncontrolled armaments and military equipment there, in violation of the Treaty on Conventional Armed Forces in Europe (CFE Treaty).<sup>34</sup> As far as back as in 1993, Azerbaijan proposed to all States Parties to the CFE Treaty to conduct a comprehensive multinational inspection in the Daghlyq Garabagh region of Azerbaijan with a view to ascertaining the facts on the ground as to the deployment of armaments and military equipment and their ownership.<sup>35</sup>

Besides, we have repeatedly brought to the attention of the international community the facts testifying to the organization and implementation by Armenia of terrorist activities against Azerbaijan.<sup>36</sup>

However, all our calls and warnings went unheard. On the contrary, having used military force to occupy the territories of Azerbaijan, Armenia has demonstrated and

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<sup>30</sup> Malcolm N. Shaw, "Report on the international legal rights of the Azerbaijani internally displaced persons and the Republic of Armenia's responsibility", [A/66/787-S/2012/289](#), annex (3 May 2012).

<sup>31</sup> Malcolm N. Shaw and Naomi Hart, "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 (7 February 2020).

<sup>32</sup> 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 (26 April 2017).

<sup>33</sup> See [A/70/1016-S/2016/711](#), annex (16 August 2016).

<sup>34</sup> See, for example, the reports of the Secretary-General on conventional arms control at the regional and subregional levels, [A/67/129/Add.1](#) (17 September 2012) and [A/68/133/Add.1](#) (17 September 2013).

<sup>35</sup> Letter dated 10 December 1993 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Chairman of the Joint Consultative Group of the Treaty on Conventional Armed Forces in Europe, [A/48/761-S/26876](#), annex (14 December 1993).

<sup>36</sup> See, for example, the statement by H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, at the 6765th meeting of the United Nations Security Council on "Threats to international peace and security caused by terrorist acts: Strengthening international cooperation in the implementation of counter-terrorism obligations", New York, 4 May 2012, [S/PV.6765](#), pp. 22–24; the speech of H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, at the opening of the international conference on "Strengthening cooperation in preventing terrorism", Baku, 18 March 2013, [A/67/831-S/2013/217](#), annex I (10 April 2013); "Information on the organization and implementation by Armenia of terrorist activities against Azerbaijan", [A/C.6/50/4](#), annex (15 November 1995); "Information provided by the Ministry of Foreign Affairs of the Azerbaijani Republic on measures to eliminate international terrorism", [A/C.6/51/5](#), annex (8 November 1996); and "Information on some facts testifying to the organization and implementation by Armenia of terrorist acts against Azerbaijan" [A/66/796-S/2012/308](#), annex (10 May 2012).

continuously reiterated, by words and deeds, its distorted belief in the existence of an alternative to international law, peace and political settlement.

Relying on this logic, Armenia has deliberately disregarded the resolutions of the Security Council, has never engaged faithfully in negotiations and, instead, directed all its efforts at colonizing the seized territories under the cover of ceasefire and peace process, including by means of implanting settlers from Armenia and abroad, destructing and/or appropriating historical and cultural heritage and exploiting natural resources and other wealth in those territories.

In an attempt to disguise its role and circumvent its responsibility as the aggressor, Armenia has installed and sustained the existence of the ethnically constructed puppet regime within the occupied territories of Azerbaijan, in clear violation of international law and the resolutions of the Security Council.<sup>37</sup>

Moreover, the leadership of Armenia has regarded and publicized the aggression against Azerbaijan as a “glorious victory”, ostentatiously celebrated the seizure of the sacred city of Shusha, venerated war criminals and convicted terrorists as national heroes, overtly promoted the outrageous ideas of ethnic incompatibility and incited the youth and future generations to new wars and violence.<sup>38</sup>

Armenia has repeatedly resorted to various provocations on the ground<sup>39</sup> and has gradually toughened rhetoric at the highest level, threatening to hit major cities and civilian infrastructure in Azerbaijan with ballistic missiles<sup>40</sup> and unleash new war for

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<sup>37</sup> See, for example, the statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan, [A/69/945-S/2015/449](#), annex (19 June 2015); [A/74/805-S/2020/301](#), annex (16 April 2020); and [A/74/855-S/2020/404](#), annex (15 May 2020).

<sup>38</sup> See, for example, the letter dated 20 October 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/65/534-S/2010/547](#) (22 October 2010); letter dated 4 February 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/65/723-S/2011/62](#) (8 February 2011); letter dated 3 August 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/65/921-S/2011/492](#) (4 August 2011); statement by the delegation of the Republic of Azerbaijan in exercise of the right of reply to the statement made by the President of the Republic of Armenia on 24 September 2014 at the general debate of the sixty-ninth session of the General Assembly, [A/69/533](#), annex (17 October 2014); identical letters dated 16 July 2015 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council, [A/69/985-S/2015/539](#) (16 July 2015); letter dated 15 May 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/73/878-S/2019/406](#) (20 May 2019); letter dated 11 May 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/74/851-S/2020/388](#) (12 May 2020); and letter dated 18 September 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/75/244-S/2020/925](#) (21 September 2020).

<sup>39</sup> See, for example, [A/65/780-S/2011/132](#) (14 March 2011); [A/65/915-S/2011/457](#) (26 July 2011); [A/68/962-S/2014/566](#) (5 August 2014); [A/70/812-S/2016/309](#) (19 April 2016); [A/70/842-S/2016/370](#) (22 April 2016); [A/70/849-S/2016/398](#) (28 April 2016); [A/71/740-S/2016/1140](#) (6 January 2017); [A/71/754-S/2017/57](#) (20 January 2017); [A/71/821-S/2017/185](#) (2 March 2017); [A/71/877-S/2017/332](#) (24 April 2017); [A/71/973-S/2017/585](#) (7 July 2017); [A/74/947-S/2020/707](#) (13 July 2020); [A/74/952-S/2020/709](#) (15 July 2020); [A/74/963-S/2020/732](#) (23 July 2020); [A/74/1003-S/2020/872](#) (1 September 2020); and [A/75/352-S/2020/942](#) (24 September 2020).

<sup>40</sup> See, e.g., transcript of *Armnews* television interview of President of Armenia, Serzh Sargsyan, 11 August 2014, [www.president.am/en/interviews-and-press-conferences/item/2014/08/11/President-Serzh-Sargsyan-interview-Armnews-Sochi/](#); and Sisak Gabrielian, “Karabakh Army chief warns of missile strikes on Azerbaijan”, *Azattyun*, 24 July 2018.

new territories,<sup>41</sup> declaring Daghlyq Garabagh as part of Armenia,<sup>42</sup> displaying the occupied territories of Azerbaijan in the same colour as Armenia itself in the official maps<sup>43</sup> and defining the consolidation of the outcomes of the war as its strategic goal in the negotiation process.<sup>44</sup>

It is abundantly clear that such a policy and practices could in no way be reconciled with the objectives of achieving a peaceful resolution of the conflict.

The lack of adequate reaction from relevant international institutions to provocations, aggressive actions and unlawful activities by Armenia, attempts to maintain “a reasonable balance”, instead of calling a spade a spade, and notorious double standards and selectivity with regard to the universally recognized obligations and commitments under international law only encouraged Armenia to continue sticking to its guns and contributed to its sense of permissiveness.

Numerous appeals by Azerbaijan on the need to ensure accountability for atrocity crimes committed in the course of the conflict, as an essential prerequisite for sustainable peace, truth, reconciliation and the rights and interests of the victims, have also remained a voice in the wilderness. Likewise, our calls in relation to the rights of more than one million Azerbaijanis uprooted from their homes, the illegal settlement practices and systematic destruction of our cultural heritage in the occupied territories have been facing with indifference of those who loudly position themselves as true defenders of human rights and humanitarian law.

Azerbaijan has repeatedly warned about the dangers of such an indulgence towards the aggressor. Thus, yet in 1993, the President of the Republic of Azerbaijan, H.E. Mr. Heydar Aliyev, stated that “indecisiveness, half-heartedness and the totally impermissible balancing of the interests of the aggressor and his victim not only amount to connivance with the aggressor but threaten to undermine peace in the whole region of the Caucasus and escalate the conflict ...”.<sup>45</sup>

From 2015, there has been a re-escalation of violence in and around the Azerbaijani territories occupied by Armenia.<sup>46</sup> In April 2016 and July 2020, Armenia provoked large-scale hostilities, along the frontline and the border between Armenia and Azerbaijan, respectively, which have caused numerous casualties among Azerbaijani civilians and servicemen and the severe destruction of the civilian

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<sup>41</sup> See, for example, Sargis Harutyunyan, “Armenian Army chief opposes territorial concessions to Baku”, *Azattyun*, 21 September 2017; “We do the opposite – new war for new territories: Minister Tonoyan’s tough statement”, *Lragir*, 30 March 2019. See also the letter dated 3 December 2010 from the Chargé d’affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General, [A/65/601-S/2010/615](#) (7 December 2010).

<sup>42</sup> See the speech of Prime Minister of Armenia, Nikol Pashinyan, 5 August 2019, [www.primeminister.am/en/statements-and-messages/item/2019/08/05/Rally](http://www.primeminister.am/en/statements-and-messages/item/2019/08/05/Rally).

<sup>43</sup> See the letters dated 10 July and 18 September 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/74/946-S/2020/704](#) (13 July 2020) and [A/75/244-S/2020/925](#) (21 September 2020).

<sup>44</sup> See the message of the Prime Minister to the Security Council of Armenia, 10 July 2020, [www.primeminister.am/en/statements-and-messages/item/2020/-7/10/Nikol-Pashinyan-Security-Council-meeting/](http://www.primeminister.am/en/statements-and-messages/item/2020/-7/10/Nikol-Pashinyan-Security-Council-meeting/).

<sup>45</sup> Statement by H.E. Mr. Heydar Aliyev, President of the Republic of Azerbaijan, at the meeting of the Council of Heads of State of the Commonwealth of Independent States, Ashgabat, 24 December 1993, [S/26917](#) (28 December 1993).

<sup>46</sup> Malcolm N. Shaw and Naomi Hart, “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 (7 February 2020), paras. 111–112.

infrastructure, private and public property, including residential houses, schools and kindergartens.<sup>47</sup>

The hostilities in July 2020, which had taken place far beyond the occupied territories of Azerbaijan, was by no means a spontaneous incident, but a deliberate action aimed at creating a new source of tension in the region, involving third parties in the conflict and jeopardizing Azerbaijan's multinational strategic energy, infrastructure and communication megaprojects.<sup>48</sup> Having failed in this "test" attack, Armenia has nevertheless continued provocations and intensified preparations for new offensive.<sup>49</sup>

Another act of aggression by Armenia on 27 September 2020 has become a logical consequence of the impunity it has enjoyed for more than thirty years. That day, the armed forces of Azerbaijan along the frontline and the adjacent populated areas in the country were subjected to intensive fire, with the use of large-calibre weapons, artillery and mortars, resulting in deaths and injuries among civilians and the military. Extensive damage was inflicted upon the civilian property and infrastructure in the area. The combat actions that followed have lasted for 44 days.

Similar to its atrocity methods of warfare employed in early 1990s, Armenia, with the direct participation of mercenaries and foreign terrorist fighters,<sup>50</sup> again mobilized all its skills to murder civilians and cause indiscriminate or disproportionate harm to cities, towns and villages in Azerbaijan. The armed forces of Armenia have repeatedly used the prohibited cluster munitions and white phosphorus projectiles in their attacks against the densely populated areas, employed child soldiers and used kindergartens and school buildings for military purposes.<sup>51</sup>

It should be particularly noted that, during more than thirty years of the conflict, combat operations have been conducted exclusively inside the territory of Azerbaijan, almost in the middle of the country. The latest hostilities also have taken place on Azerbaijan's soil.

As a result of the counteroffensive operation undertaken and successfully accomplished by the armed forces of Azerbaijan, in the exercise of the inherent right of self-defence, the Fuzuli, Gubadly, Jabrayil and Zangilan districts, the city of Shusha and more than 300 cities, towns and villages of Azerbaijan were liberated from occupation, the enemy's military capability in the occupied territories of

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<sup>47</sup> Statement by the Ministry of Foreign Affairs of the Republic of Azerbaijan, [A/74/947-S/2020/707](#), annex (13 July 2020); letter dated 14 July 2020 from the Minister of Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General, [A/74/952-S/2020/709](#), annex (15 July 2020); and letter dated 22 July 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/74/963-S/2020/732](#) (23 July 2020).

<sup>48</sup> See the statement by H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, at the general debate of the seventy-fifth session of the General Assembly, 24 September 2020.

<sup>49</sup> See the letter from the Minister for Foreign Affairs of the Republic of Azerbaijan dated 31 August 2020 addressed to the Secretary-General, [A/74/1003-S/2020/872](#), annex (1 September 2020). See also, the press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan, 24 September 2020, and "Armenia's provocative actions since Nikol Pashinyan has become the Prime Minister of Armenia on 8 May 2018", [A/75/352-S/2020/942](#), annex and enclosure (24 September 2020).

<sup>50</sup> See, for example, the letter dated 5 October 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/75/497-S/2020/982](#) (7 October 2020), and "Report on the use of foreign terrorist fighters by the Republic of Armenia in its recent aggression against the Republic of Azerbaijan", [A/75/625-S/2020/1161](#), annex (4 December 2020).

<sup>51</sup> For more information, see the letter dated 18 December 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/75/660-S/2020/1267](#) (22 December 2020).

Azerbaijan was destroyed, the puppet regime's functionality was dismantled; and Armenia was enforced to peace.

The statement of the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation, signed on 9 November 2020, has put an end to the almost three-decades-old armed conflict between Armenia and Azerbaijan. The implementation of this agreement ensured the cessation of all military activities and the de-occupation of the Aghdam, Kalbajar and Lachyn districts of Azerbaijan.<sup>52</sup>

The end of aggression and occupation has become a triumph of justice and international law and underlined again the necessity of strict compliance by States with their international obligations. The new realities on the ground offer a unique opportunity for consolidating peace and stability and pave the way for restoring peaceful coexistence and promoting development and mutually beneficial cooperation in the region.

On 11 January 2021, H.E. Mr. Ilham Aliyev, President of the Republic of Azerbaijan, stated the following: "The situation that evolved between Armenia and Azerbaijan over the years has been finally resolved. I am sure that there will be no attempts by the Armenian side to revise the Statement of 9 November, so that both peoples find the will and wisdom to think about the future and about reconciliation."<sup>53</sup>

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 and 86, and of the Security Council.

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

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<sup>52</sup> See S/2020/1104 (11 November 2020).

<sup>53</sup> See the official website of the President of the Republic of Azerbaijan, <https://en.president.az/articles/50072>.