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Agenda items 30, 58, 66, 68, 73, 84 and 132

**Prevention of armed conflict****Peacebuilding and sustaining peace****Elimination of racism, racial discrimination, xenophobia  
and related intolerance****Promotion and protection of human rights****Responsibility of States for internationally wrongful acts****The rule of law at the national and international levels****The responsibility to protect and the prevention of  
genocide, war crimes, ethnic cleansing and crimes  
against humanity****Security Council  
Seventy-eighth year****Letter dated 25 August 2023 from the Chargé d'affaires a.i. of the  
Permanent Mission of Azerbaijan to the United Nations addressed  
to the Secretary-General**

We resolutely reject as false and misleading the letter from the Permanent Representative of Armenia and the annexed statement of the Ministry of Foreign Affairs of Armenia regarding the arrest of Vagif Khachatryan on 29 July 2023 (A/77/985-S/2023/569).

The Ministry of Foreign Affairs of Azerbaijan responded to this statement, informing with reference to the Office of the Prosecutor General of Azerbaijan that the said person was arrested and his pretrial detention was ordered by the court on charges of committing crimes under articles 103 (genocide) and 107 (deportation or forced exile of population) of the Criminal Code of the Republic of Azerbaijan against the Azerbaijani population of the village of Meshali in the Khojaly district of Azerbaijan on 22 December 1991, as a result of which 25 people were killed, 14 wounded and 358 forcibly expelled from their homes. He was duly provided with medical and legal assistance, in accordance with the legislation of Azerbaijan and international standards.<sup>1</sup>

<sup>1</sup> Commentary of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the statement of the Ministry of Foreign Affairs of the Republic of Armenia regarding the arrest of Vagif Khachatryan, 30 July 2023, <https://mfa.gov.az/en/news/no41623>.



Azerbaijan has consistently informed the international community that the unlawful targeting of Azerbaijani civilians and peaceful settlements, the taking and holding of hostages, the mistreatment and summary execution of prisoners of war and civilian detainees, ethnic cleansing, the extensive destruction of inhabited areas and civilian infrastructure and the desecration and eradication of Azerbaijani cultural and religious heritage were the methods and means widely practised by Armenia during its aggression since the early 1990s. There are abundant sources, consisting of the investigations conducted by Azerbaijan, witness accounts, the documents of international organizations and the findings of independent researchers, legal experts, foreign journalists, human rights activists and international non-governmental organizations, which reported on the extreme gravity of these crimes.<sup>2</sup>

The territories of Azerbaijan liberated from occupation in the fall of 2020 provided ample evidence as to Armenia's widespread and systematic violations of international law. The scale of destruction, vandalism and looting is shocking and unprecedented. Moreover, numerous mass graves were found in these territories.<sup>3</sup>

Armenia is wrong in claiming that the arrest of Vagif Khachatryan is a violation of international humanitarian law. This assertion is contrary to the very nature of international humanitarian law as well as international human rights law. Indeed, States are obliged under international law to investigate, without undue delay, reports of war crimes and other serious offences and to prosecute and punish the perpetrators.

This obligation is explicitly set out in the 1949 Geneva Conventions for the protection of war victims, which are the key instruments of international humanitarian law. Furthermore, under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, "persons committing genocide or any of the other acts enumerated in article III shall be punished". The 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment similarly requires the States parties to "immediately make a preliminary inquiry into the facts", "ensure that [their] competent authorities proceed to a prompt and impartial investigation" and, where warranted, submit the case for prosecution. Customary international law also establishes the obligation to investigate and punish genocide, war crimes and crimes against humanity.

However, Armenia is unwilling to investigate and prosecute the extensively documented mass atrocities committed by its forces in the formerly occupied territories of Azerbaijan and tries to create obstacles to accountability. The aforementioned statement by Armenia is another evidence of its blatant contempt for international law, the rule of law and justice.

Azerbaijan will continue its efforts to end impunity and ensure justice and accountability for serious violations, as well as to build, strengthen and sustain peace and stability in the region.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 30, 58, 66, 68, 73, 84 and 132, and of the Security Council.

(Signed) Tofiq **Musayev**  
Chargé d'affaires a.i.

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<sup>2</sup> See, for example, [A/74/676-S/2020/90](#); [A/75/357-S/2020/948](#); [A/75/379-S/2020/965](#); [A/75/486-S/2020/969](#); [A/75/487-S/2020/973](#); [A/75/492-S/2020/977](#); [A/75/508-S/2020/1001](#); [A/75/512-S/2020/1010](#); [A/75/529-S/2020/1027](#); [A/75/555-S/2020/1047](#); [A/75/558-S/2020/1051](#); [A/75/574-S/2020/1083](#); [A/75/660-S/2020/1267](#); [A/76/736-S/2022/176](#); and [A/77/695-S/2023/34](#).

<sup>3</sup> See [A/75/864-S/2021/412](#) and [A/75/875-S/2021/433](#).