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The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity

Letter dated 8 February 2024 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

We categorically reject as false and deceptive the statement made by the representative of Armenia at the fifty-fourth plenary meeting of the General Assembly, on 7 February 2024.

Unfortunately, despite recent unprecedented developments in the normalization of inter-State relations and a series of confidence-building measures agreed following direct bilateral talks between Armenia and Azerbaijan, which were welcomed by the Secretary-General and the international community, Armenia once again resorted to its usual provocations and fabrications. The aforementioned statement, along with its extremely outrageous letter of 26 January 2024,¹ should be viewed as a potential threat, as they are illustrative of Armenia's reliance on hate and lies and unwillingness to abandon its territorial claims and destabilizing actions. In this regard, I would like to offer some comments, which totally refute and denounce the allegations made by Armenia in the General Assembly.

The claim in the statement that the Armenian residents of the Garabagh region of Azerbaijan suffered from "blockade", "starvation" or "siege" since December 2022

¹ [A/78/738](#).



is absolutely false. For example, as the International Committee of the Red Cross reported, since December 2022, it had arranged for significant deliveries of food, medical supplies, fuel and other goods, as well as facilitating the transportation of hundreds of residents through the Lachin road.²

The real culprit behind the obstruction of efforts to provide more humanitarian supplies to and expand transport communications in the region was Armenia itself and the unlawful puppet regime it installed on the sovereign territory of Azerbaijan. Thus, for example, the Red Crescent Society of Azerbaijan sent 40 tons of flour to the residents in Garabagh on 29 August 2023, but the trucks were prevented from entering.

What the representative of Armenia irresponsibly called the “use of deadly military action against innocent civilian population” were the local counter-terrorism measures taken by Azerbaijan on its sovereign soil, in the Garabagh region, on 19 and 20 September 2023, against more than 10,000 heavily armed Armenian forces illegally deployed there.

Despite its obligations under the trilateral statement of 9 November 2020,³ Armenia refused to withdraw these forces from the territory of Azerbaijan and, instead, continued to arm and supply them, including through continuous abuse of the humanitarian designation of the Lachin road.

In the weeks and days leading up to 19 September 2023, the activities of the armed forces of Armenia in the Garabagh region intensified at an alarming rate – specifically building new battle fortifications and trenches, planting landmines close to Azerbaijan’s military positions and replanting landmines in civilian areas that Azerbaijan had already cleared.

As a result, the number of casualties among Azerbaijani civilians and military personnel increased steadily. On 19 September 2023, two Azerbaijani civilians and four Azerbaijani policemen died within the span of a single hour in two separate landmine explosions in previously demined areas. In total, in the post-conflict period between November 2020 and September 2023, 65 citizens of Azerbaijan were killed and 273 injured by mine explosions, and the number of victims has only risen since then.

The weapons surrendered by the armed forces of Armenia or detected in the Garabagh region since 20 September 2023, including tanks, armoured vehicles, heavy artillery systems, rockets, surface-to-air missiles, anti-aircraft missile systems, mortars, anti-tank weapons, electromagnetic warfare equipment and millions of rounds of ammunition, leave no room for doubt as to the scale and imminence of security threats posed by the illegal presence of the Armenian armed forces in this region of Azerbaijan.

It is evident that Armenia did everything possible, in words and deeds, to backtrack on its obligations, feign its engagement in the normalization process initiated by Azerbaijan and widely supported by the international community and obstruct the talks with a view to sustaining and advancing territorial claims, further inciting violent ethnic separatism in Azerbaijan and killing and maiming Azerbaijanis on their own sovereign territory.

² International Committee of the Red Cross (ICRC), “Operational update on the work of ICRC across the Lachin corridor”, 18 August 2023, available at www.icrc.org/en/document/operational-update-icrcs-work-across-lachin-corridor; ICRC, “Azerbaijan/Armenia: Humanitarian consensus allows ICRC to deliver humanitarian relief”, 18 September 2023, available at www.icrc.org/en/document/azerbaijan-armenia-humanitarian-consensus-relief.

³ S/2020/1104.

Consequently, Azerbaijan legitimately exercised its inherent right and responsibility to protect its people, defend its territorial integrity and restore peace and stability in the region.

Armenia's allegations about "ethnic cleansing", "forced displacement" and "sufferings to civilians" are equally fallacious. The counter-terrorism measures lasted less than 24 hours, targeted exclusively legitimate military objects and strictly adhered to the principle of distinction. On multiple occasions, advance warnings were issued to civilians, including through text messages and loudspeaker announcements in Armenian, urging them not to take arms, not to wear military uniform and to avoid the vicinity of military installations. Although the armed forces of Armenia placed many military facilities very close to residential areas, Azerbaijan took all feasible precautions to avoid civilian harm.

Moreover, thousands of Armenian servicemen and members of illegal armed formations who laid down arms were even set free as a humanitarian gesture and allowed to leave the territory of Azerbaijan.

As to the Armenian residents of Garabagh who decided to relocate, it was their free choice, although Azerbaijan encouraged them to stay. Hundreds of local Armenians attested publicly that they had not been pressured to leave by Azerbaijan. At the same time, they also confirmed that the leaders of the unlawful puppet regime installed by Armenia in the Garabagh region had directed them to leave in a language designed to inspire fear and hatred.

Nevertheless, Azerbaijan, at the highest level, publicly guaranteed that eligible residents who decided to leave have a right to return and has taken concrete steps to ensure their voluntary, safe and dignified return, provided humanitarian assistance to the Armenian residents of Garabagh and allowed and facilitated access for the United Nations and other international organizations to the region. The United Nations inter-agency team visited the region three times in October and December 2023, ICRC continued its activities on the ground, and the Commissioner for Human Rights of the Council of Europe also visited the region.

On 29 September 2023, the representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) stated that "so far there are no recorded incidents, no reported incidences of any mistreatment" and that "there have been no reported cases of any mistreatment by the [Azerbaijanis]". She also noted that, according to the Armenian residents who were interviewed by UNHCR, "they were allowed to leave quite freely" and that "nobody shared instances of being harassed".⁴

The United Nations inter-agency team that visited the Garabagh region of Azerbaijan on 1 October 2023 also reported that it "saw no damage to civilian public infrastructure, including hospitals, schools and housing, or to cultural and religious structures", "did not observe any destruction of agricultural infrastructure" and "did not come across any reports – neither from the local population interviewed nor from the interlocutors – of incidences of violence against civilians following the latest ceasefire".⁵

In other words, the mission witnessed no damage, destruction or violence in the Armenian-populated parts of the Garabagh region. In stark contrast, the same mission "observed destruction and mine action needs" in the Azerbaijani-populated city of Aghdam, which was razed to the ground along with hundreds of other cities, towns

⁴ United Nations, biweekly press briefing, statement by Kavita Belani, representative of the Office of the United Nations High Commissioner for Refugees in Armenia, 29 September 2023, available at <https://media.un.org/en/asset/k1g/k1gvc8zwrld>.

⁵ United Nations, "UN team completes mission to Karabakh", 2 October 2023, available at <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>.

and villages in Azerbaijan during their occupation by Armenia from the early 1990s to 2020.

The representative of Armenia further distorted the ongoing legal process between Azerbaijan and Armenia in the International Court of Justice. Thus, he deliberately omitted to mention the proceedings instituted by Azerbaijan against Armenia in the Court under the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the provisional measures delivered by the Court in its order of 7 December 2021 in respect of Armenia. In addition, the representative of Armenia passed over in silence the fact that, in the order of 7 December 2021, the Court rejected most of his country's requests for specific measures, instead choosing to indicate very general measures of its own.⁶

Furthermore, in its order of 12 October 2022, the International Court of Justice rejected Armenia's request for the modification of the provisional measures of 7 December 2021. As to the orders of 22 February and 6 July 2023, in the former, the Court rejected two of the three measures requested by Armenia in their entirety and declined to order the third measure in the form requested by it, refuting insinuations about the blockade of the Lachin-Khankandi road by Azerbaijan.⁷

Armenia subsequently requested that the International Court of Justice modify its 22 February 2023 order to direct Azerbaijan to remove the border checkpoint it had established at the entrance to the Lachin-Khankandi road. The decision of the International Court of Justice of 6 July 2023 to reject Armenia's request was a unanimous decision by all of the judges of the Court. This decision instead vindicated Azerbaijan's sovereign right to secure and protect its borders.

In its decision of 17 November 2023, the International Court of Justice acknowledged the already declared policy of Azerbaijan with respect to the Armenian residents of the Garabagh region, rejecting most of the measures requested by Armenia, including the baseless and ludicrous request for the withdrawal of all military and law enforcement personnel by Azerbaijan from the region.⁸

For decades, Armenia ignored the demands prescribed in the relevant resolutions of the Security Council, opposed any role for the Organization in conflict-related issues and directed all its efforts at colonizing the occupied territories of Azerbaijan. It is therefore deeply ironic that Armenia now appeals to the United Nations.

It is particularly cynical that Armenia – a country which bears responsibility for unleashing the aggression against Azerbaijan, occupying its territories for nearly 30 years, carrying out ethnic cleansing on a massive scale and committing numerous other war crimes and most serious offences during the conflict – enthusiastically talks about its commitment to promoting accountability and fighting impunity. Armenia's lie is exposed by a simple fact – not a single person has been prosecuted for these crimes in that country. Instead, they are glorified and venerated as national heroes.

⁶ Information from the Ministry of Foreign Affairs of the Republic of Azerbaijan on the decision of the International Court of Justice on provisional measures, 7 December 2021, available at <https://mfa.gov.az/en/news/no49921>; letter dated 20 December 2021 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General (A/76/612-S/2021/1078).

⁷ Letter dated 27 February 2023 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General (A/77/774-S/2023/145, annex); letter dated 21 July 2023 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General (A/77/974-S/2023/546, annex).

⁸ Press release of the Ministry of Foreign Affairs of the Republic of Azerbaijan on the decision of the International Court of Justice of 17 November 2023 (A/78/599-S/2023/888, annex).

Against this background, instead of wasting time lecturing others about the principles, values and norms that it has consistently disregarded and opposed, Armenia must concentrate on respecting its own international obligations and engaging faithfully in normalizing inter-State relations and building peace 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 31, 61, 69, 71, 83, 109, 110 and 129.

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