



# General Assembly Security Council

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## General Assembly Seventy-fifth session

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

### 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**

**Elimination of racism, racial discrimination, xenophobia and related intolerance**

**Promotion and protection of human rights**

**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-sixth year

### **Letter dated 17 February 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

Twenty-nine years ago, the largest massacre during the conflict between Armenia and Azerbaijan was committed against the civilians and defenders of the town of Khojaly, in the Daghlyq Garabagh (Nagorno-Karabakh) region of the Republic of Azerbaijan. One expert commentator has described the slaughter in Khojaly as “by a large margin the worst single atrocity of the Armenian-Azerbaijani war”.<sup>1</sup>

Before the conflict, 7,000 people had lived in this town. From October 1991, the town was entirely surrounded by Armenian forces. Throughout the winter of 1991–1992 the town was shelled on an almost daily basis, including in attacks that were either indiscriminate or directly aimed at civilian targets. Over the night of 25–26 February 1992, following heavy bombardment, the town was overrun from various directions. The assault was carried out by Armenian armed forces, with the direct participation of servicemen of regiment No. 366 of the former Union of Soviet Socialist Republics (USSR), who remained in the area after the Soviet Union had ceased to exist.

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



As a result of the attack and capture of the town, 613 civilians were killed, including 106 women, 63 children and 70 elderly people. Another 1,000 people were wounded, and 1,275 people were taken hostage. To this day, 150 people from Khojaly remain missing.

News reports that surfaced over the days following the tragedy in Khojaly revealed the scale of the brutality.

Thus, referring to a report by a Reuters correspondent in Aghdam, Azerbaijan, *The Independent* communicated that “after a massacre, Azeris were burying scores of people who died when Armenians overran the town of Khojaly, the second-biggest Azeri settlement in the area. ‘The world is turning its back on what’s happening here. We are dying and you are just watching’, one mourner shouted at a group of journalists”.<sup>2</sup>

The Australian newspaper *The Age* reported that “the exact number of victims is still unclear, but there can be little doubt that Azeri civilians were massacred by the Armenian Army in the snowy mountains of Nagorno-Karabakh last week”.<sup>3</sup>

Pascal Privat and Steve Le Vine of *Newsweek*, in their article entitled “The face of a massacre” reported as follows:

Azerbaijan was a charnel house again last week: a place of mourning refugees and dozens of mangled corpses dragged to a makeshift morgue behind the mosque. They were ordinary Azerbaijani men, women and children of Khojaly, a small village in war-torn Nagorno-Karabakh overrun by Armenian forces on 25–26 February. Many were killed at close range while trying to flee; some had their faces mutilated, others were scalped.<sup>4</sup>

Jill Smolowe of *Time* magazine in her article “Massacre in Khojaly” reported as follows:

While the details are argued, this much is plain: something grim and unconscionable happened in the Azerbaijani town of Khojaly two weeks ago. So far, some 200 dead Azerbaijanis, many of them mutilated, have been transported out of the town tucked inside the Armenian-dominated enclave of Nagorno-Karabakh for burial in neighbouring Azerbaijan. The total number of deaths – the Azerbaijanis claim 1,324 civilians have been slaughtered, most of them women and children – is unknown.<sup>5</sup>

Human Rights Watch/Helsinki has stated that during the assault on Khojaly the Armenian forces “deliberately disregarded” the prohibition on attacks that cause disproportionate civilian casualties. It has further stated that:

[Eyewitnesses] indicated that there was sufficient light to allow for reasonable visibility and, thus, for the attackers to distinguish unarmed civilians from those persons who were armed and/or using weapons. Further, despite conflicting testimony about the direction from which the fire was coming, the evidence suggests that the attackers indiscriminately directed their fire at all fleeing persons. Under these circumstances, the killing of fleeing combatants could not justify the foreseeably large number of civilian casualties.<sup>6</sup>

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<sup>2</sup> *The Independent*, 29 February 1992.

<sup>3</sup> *The Age*, 6 March 1992.

<sup>4</sup> *Newsweek*, 16 March 1992.

<sup>5</sup> *Time*, 16 March 1992.

<sup>6</sup> Human Rights Watch/Helsinki, *Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno-Karabakh* (September 1992), p. 24.

According to the Memorial Human Rights Centre, “there was mass violence upon the civilians of Khojaly during the military operation to take this town”; “the mass murder of civilians in the ‘free corridor’ zone and adjacent territory cannot be justified under any circumstances”; “the civilians remaining in Khojaly after it was taken by Armenian detachments were deported”; “these actions were carried out in an organized manner”; “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>7</sup>

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>8</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 humanity”.<sup>9</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>10</sup>

The crimes committed in Khojaly were not an isolated or sporadic act, but an integral part of Armenia’s widespread and systematic policy and practice. Azerbaijani civilians in many other villages and cities of the country were subjected to similar massacres by Armenian forces.<sup>11</sup>

However, the perpetrators of these crimes not only were not brought to justice but are glorified in Armenia. Another act of aggression by Armenia on 27 September 2020 has become a logical consequence of the impunity it has enjoyed for years.

Similar to its atrocity methods of warfare employed in the early 1990s, Armenia, with the direct participation of mercenaries and foreign terrorist fighters,<sup>12</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 prohibited cluster munitions and white phosphorus projectiles in their attacks against the densely populated areas, causing multiple casualties among Azerbaijani civilians, including women and children.<sup>13</sup>

Armenia is responsible for numerous war crimes committed by it, its officials and agents and those under its command and control in the territories of Azerbaijan since the beginning of the conflict. Such crimes include civilian deaths and injuries; the destruction and appropriation of civilian property; the mistreatment of detainees

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<sup>7</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.

<sup>8</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.

<sup>9</sup> Judgment of the European Court of Human Rights, App. No. 40984/07, 22 April 2010, para. 87.

<sup>10</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>11</sup> See [A/74/676-S/2020/90](#), annex.

<sup>12</sup> See [A/75/497-S/2020/982](#) and [A/75/625-S/2020/1161](#), annex.

<sup>13</sup> For more information, see [A/75/660-S/2020/1267](#).

and prisoners of war; the taking of hostages; ethnic cleansing, forced displacement and changing the character of the occupied territories; the exploitation of natural resources; the destruction of cultural heritage; and damage to the natural environment.

The responsibility of Armenia is established both under general international law and with regard to the European Convention on Human Rights and involves legal consequences manifested, inter alia, in the obligation to provide full reparation for injury. The above-listed crimes also invoke the individual criminal liability of the perpetrators. Accountability must be an inevitable consequence of the offences committed. It is also an important preventive tool and an essential prerequisite on the path to genuine reconciliation and peaceful coexistence.

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 and 135, and of the Security Council.

(Signed) Yashar Aliyev  
Ambassador  
Permanent Representative

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