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Prevention of armed conflict****Security Council
Seventy-fifth year****Letter dated 7 July 2020 from the Permanent Representative of
Armenia to the United Nations addressed to the Secretary-General**

I am writing in reference to the letter from the Permanent Representative of Azerbaijan to the United Nations ([A/74/884-S/2020/523](#)), which contains false accusations and distortions of well-documented facts related to the Nagorno-Karabakh conflict and missing persons.

Regarding the issue of missing persons in the context of the conflict, I would like to refer to the memorandum of the Ministry of Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh Republic), which was circulated as an annex to my letter dated 4 December 2018, issued as a document of the General Assembly and of the Security Council ([A/73/628-S/2018/1085](#)).

I am also transmitting herewith the information provided by the Republic of Artsakh (Nagorno-Karabakh Republic) and the Republic of Armenia on the implementation of General Assembly resolution [73/178](#), entitled “Missing persons” (see annexes I and II).

It is regrettable that, instead of constructively cooperating with the relevant authorities of Nagorno-Karabakh, the Azerbaijani side continuously opts for politicizing the purely humanitarian issue of missing persons. Denial of such cooperation is yet another demonstration of the non-compliance of Azerbaijan with its obligations under international humanitarian law.

I kindly request that the present letter and its annexes be circulated as a document of the General Assembly, under agenda item 31, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative



Annex I to the letter dated 7 July 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Information on the implementation by the Republic of Artsakh of General Assembly resolution 73/178, entitled “Missing persons”

Introduction

The Republic of Artsakh (the Nagorno-Karabakh Republic) submits the present report pursuant to paragraph 21 of General Assembly resolution 73/178, entitled “Missing persons”. The report contains information on the implementation of the resolution, including current issues of concern with respect to missing persons.

Persons missing in connection with the Azerbaijan-Karabakh armed conflict

The issue of persons missing in the context of the Azerbaijan-Karabakh conflict emerged long before the full-scale war, which was unleashed by neighbouring Azerbaijan against the Republic of Artsakh in 1991. Incidents of hostage-taking and kidnapping of ethnic Armenians were already occurring in Artsakh in 1988–1989. However, as the conflict escalated, the issue of hostages and missing persons became more acute.

In 1991–1994, Baku also practised hostage-taking of other nationals of Armenian origin transiting through the territory of Azerbaijan. One such case, when two Georgian citizens of Armenian origin, Vilik Ilitch Oganessov and Artavaz Aramovitch Mirzoyan, were taken hostage at Baku airport, has been considered by the Working Group on Arbitrary Detention. In its decision No. 31/1993 of 28 September 1993, the Working Group noted that their detention had no legal basis and was a violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (E/CN.4/1994/27, pp. 106–107).

Hostage-taking of persons of Armenian nationality became widespread during “Operation Ring” for the deportation of residents from Armenian villages in Artsakh in 1991 and the ensuing full-scale war unleashed by Azerbaijan against the Republic of Artsakh.

Unfortunately, little progress has been made in determining the fate of those missing in connection with the Azerbaijan-Karabakh conflict, notwithstanding that most of the missing persons (on all sides) disappeared in the early 1990s. Nearly 30 years after the ceasefire and as a result of the Azerbaijan-Karabakh conflict, the fate of more than 4,500 missing persons (from Armenia, Azerbaijan and Artsakh) remains unknown.¹

Compliance with international obligations and mechanisms for establishing the fate of the missing

Under international humanitarian law, parties to a conflict must exert significant efforts to clarify the fate and whereabouts of missing persons.

Recognizing the importance of compliance with international humanitarian law, and as a responsible member of the international community, on 26 January 1993, the Republic of Artsakh, through a decision of its parliament, acceded to the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977. Accordingly, the accession documents were forwarded to the respective depositaries. By so acceding,

¹ See www.icrc.org/en/document/nagorno-karabakh-conflict-families-missing-people-want-answers (accessed on 10 April 2020).

the Republic of Artsakh declared its intention to respect the rules of international humanitarian law and demonstrated its readiness to take measures for the implementation of its provisions.

In March 1993, in order to coordinate efforts aimed at addressing the issue of missing persons, the State Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Artsakh was established by decree of the State Defence Committee.

On 3 August 1993, the Chairpersons of the State Commissions of Artsakh and Azerbaijan reached an agreement, according to which the parties committed to begin, within five days, systematic work on the exchange of prisoners of war and hostages, and to conduct a joint search for missing persons.

Despite this agreement, and since 1995, the Azerbaijani authorities have consistently politicized this issue while refusing any form of cooperation with the Republic of Artsakh. The International Committee of the Red Cross (ICRC) called for meetings to be held in Tbilisi, on 16 March and 19 April 1995, to create a joint working group of representatives of the State Commissions of Azerbaijan, Artsakh and Armenia with a view to making joint visits to places of detention and accelerating the release of prisoners of war and hostages. Azerbaijani representatives did not attend either of the meetings.

In 2000-2001, the legal framework for the activities of the State Commission was improved: on 8 December 2000, in accordance with Presidential Decree No. 194, the Artsakh State Commission's mandate for determining the fate of missing persons was reinstated, and the statute of the State Commission was approved on 14 March 2001, by Presidential Decree No. 207. The statute gives the State Commission the mandate to determine the fate of missing persons, to organize the search for remains where necessary and to coordinate the return of any such remains to families.

The State Commission comprises high-level officials from relevant government bodies, representatives of parliamentary commissions and representatives of non-governmental organizations (NGOs) dealing with the issue of missing persons, in particular the Union of the Families of the Missing of Artsakh, and cooperates closely with all these structures to implement its mandate. It has the right to invite State and local self-governing bodies, organizations and the mass media to partake in its efforts. Where appropriate, the State Commission may allow the participation of consenting individual citizens for research purposes.

The Commission also has a working group (which includes representatives of the Ministry of Defence, the National Security Service, the police and the Forensic Service) that collects and manages data on possible grave sites, conducts exhumations and undertakes other related work.

The State Commission has been working closely with relevant government and non-governmental entities in a coordinating capacity. It has also been working closely with national and international institutions active in the areas of human rights and humanitarian law, such as ICRC. ICRC has been engaged in Artsakh since 1992 and is committed to supporting the State Commission and the Artsakh government in their efforts to find answers for the families of the missing persons.

Specifically, the collaboration between the State Commission and ICRC has played a material role by contributing to the identification, exchange and return of prisoners, hostages and other missing persons in the region.

On 20 October 2008, the State Commission and ICRC signed a framework agreement on the collection and centralized management of ante-mortem data on missing persons in relation to the Azerbaijan-Karabakh conflict. The agreement

provides a framework and parameters for the collection and centralized management of ante-mortem data of missing persons for the sole purpose of their identification.

On 16 June 2010, an agreement on a software program for an ante-mortem/post-mortem database on missing persons was signed between the Artsakh State Commission and ICRC.

On 30 May 2015, the State Commission and ICRC signed a protocol on the project for the collection and management of biological reference samples and other personal data collected from families of missing persons in relation to the Azerbaijan-Karabakh conflict. The protocol provides a framework for the collection, management and long-term storage of biological reference samples from close relatives of missing persons. The process of collecting, preserving and centralizing ante-mortem data, as well as the collecting, managing and storage of biological reference samples in accordance with the above-mentioned agreement and protocols, continues to this day.

The draft framework agreement on the exhumation, identification and return of the remains of missing persons in connection with the Azerbaijan-Karabakh conflict is at the stage of preliminary discussions with ICRC.

In addition to ICRC, the State Commission worked closely with the International Working Group for the release of prisoners of war and hostages and the tracing of missing persons in the Azerbaijan-Karabakh conflict zone, created on the initiative of human rights activists Bernhard Klazen, Svetlana Gannushkina and Paata Zakareishvili, working jointly with the Heinrich Böll Foundation (Germany), which has become another international attempt to establish the fate of persons missing in connection with the Azerbaijani-Karabakh conflict. Unfortunately, from the very beginning, the Azerbaijani side refused to participate in the trilateral meetings in the framework of the International Working Group.

The State Commission has also been working closely with the Union of the Families of the Missing of Artsakh, an NGO established on 12 October 1998. The Union is a civil society initiative that seeks to resolve the uncertainty of the past 20 years regarding the fate of loved ones and to raise awareness of the problems faced by the families of the missing. The Union founded the Museum of Missing in Action, where it exhibits photos and personal belongings of the missing and has also published books and booklets on the biographies of the missing.

In cooperation with the State Commission and the ICRC mission in Artsakh, the Union also implements different projects centred on remembrance of the missing and addressing the needs of the families of the missing.

Necessary Conditions for the successful implementation of the resolution

There are a broad range of basic conditions necessary to successfully achieve the objectives of the resolution. These conditions are enumerated below:

- Cooperation between the State Commissions of Artsakh, Armenia and Azerbaijan is required, as the issue of missing persons cannot be solved on a unilateral basis. Progress in clarifying the fate of the missing persons is an undertaking that necessitates participation by all three State Commissions. There has been no problem thus far in securing cooperation and joint meetings between the Artsakh and Armenian State Commissions. However, the Azerbaijan Commission has turned a deaf ear to the calls of both the Armenian State Commission and the Artsakh State Commission and has refused to cooperate for the sake of the families of those missing on all sides of the conflict.
- The need for Azerbaijan to refrain from politicizing the humanitarian issue, which will provide the necessary basis for the exchange of information on

missing persons and for the successful search for and return of the remains of missing persons.

- The existence of an agreed, effective and functional mechanism is essential to set clear benchmarks for achieving progress.
- The implementation of confidence-building and security measures in the Azerbaijan-Karabakh conflict zone, which will allow the conduct of field operations (search, assessment and exhumation).

Annex II to the letter dated 7 July 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Information on the implementation by the Republic of Armenia of General Assembly resolution 73/178, entitled “Missing persons”

The Republic of Armenia remains faithful to the principles of international humanitarian law and consistently implements these principles in practice. Armenia has ratified the Geneva Conventions, all the Additional Protocols thereto and more than a dozen international treaties related to international humanitarian law. Armenia has signed and ratified the International Convention for the Protection of All Persons from Enforced Disappearance (signed on 10 April 2007 and ratified on 27 January 2011).

Armenia attaches importance to the implementation of the 1994 trilateral agreement on a ceasefire and the 1995 trilateral agreement on the consolidation of the ceasefire regime, signed by Azerbaijan, Nagorno-Karabakh and Armenia without time limitation.

According to the data submitted by the International Committee of the Red Cross (ICRC), nearly 30 years after the ceasefire, the fate of about 4,500 persons missing (from the Republic of Armenia, the Nagorno-Karabakh Republic and the Republic of Azerbaijan) as a result of the Nagorno-Karabakh conflict remains unknown (the list of missing persons was transmitted to the Commission by the ICRC delegation in Armenia in December 2015).

According to the statute of the Inter-Agency Commission on Prisoners of War, Hostages and Missing Persons of the Republic of Armenia (established in 2000 and re-established by the Prime Minister's Decree No. 1535-A of 19 November 2018), the Commission has a mandate to clarify the fate of and search for the remains of the missing persons, as well as to coordinate the return of the remains to their families.

For research purposes, the Commission has the right to involve in its activities State and local self-governing bodies, organizations, the mass media and, where appropriate, individual citizens (by consent).

The Commission has a working group (including representatives of the Ministry of Defence, the National Security Service, the Ministry of Foreign Affairs and the police) that, in cooperation with the ICRC delegation in Armenia, works to clarify the fate of the persons missing as a result of the Nagorno-Karabakh conflict, collect and manage data on possible grave sites, conduct further exhumation, conduct visits to prisoners of war, organize the return of prisoners of war or transfer them to a third country and provide information about prisoners of war to the ICRC delegation in Armenia, as well as other related issues.

On 3 October 2008, a framework agreement on the collection and centralized management of ante-mortem data on missing persons in relation to the Nagorno-Karabakh conflict was signed between the Commission and the ICRC delegation in Armenia.

On 30 August 2010, an agreement on a software program for an ante-mortem/post-mortem database on missing persons in relation to the Karabakh conflict was signed between the Commission and ICRC.

In 2011, the Armenian authorities, through ICRC, officially forwarded to the Azerbaijani authorities a list of 94 missing persons of Armenian origin, who had reportedly been held captive in Azerbaijan. In the autumn of 2012, the review of the

ICRC response revealed that the Azerbaijani side had not provided valuable information on the Armenian prisoners of war and hostages, but instead had provided incomplete information, and in some cases even questioning the fact that those persons had gone missing as a result of the Karabakh war. It was obvious that the Azerbaijani side had not conducted proper investigations.

After the preliminary agreement reached in 2012 and 2013 to organize a meeting of representatives of the working groups of the two Commissions in the territory of a third country, the Azerbaijani side subsequently categorically rejected the Armenian side's initiative. The Armenian side regularly requests the ICRC office in Yerevan to arrange a meeting between the working groups.

A protocol on the pilot project for the collection and management of biological reference samples and other personal data collected from families of missing persons in relation to the Nagorno-Karabakh conflict was signed between the Commission, ICRC and the Scientific Practical Centre of Forensic Medicine of the Ministry of Health of the Republic of Armenia on 17 March 2014.

In 2019, through co-financing by the Armed Forces of the Republic of Armenia (17,621,000 drams (\$36,200) from the Ministry of Defence budget for 2019), the forensic laboratory was reopened, which will facilitate further research in Armenia. In this context, genetic identification equipment has been acquired.

In 2019, ICRC fulfilled the objectives of the 2008 framework agreement and the above-mentioned protocol by completing the collection of ante-mortem data and biological reference samples from available family members of missing persons.

Currently, the Ministry of Defence of the Republic of Armenia and ICRC are working on the draft of a protocol between the Commission and the ICRC delegation in the Republic of Armenia on the collection and centralized management of post-mortem data in relation to the Nagorno-Karabakh conflict. The draft has been sent for approval to all agencies involved in the Commission.

The purpose of signing that protocol is to set out the legal framework for the collection of post-mortem data on missing persons and centralized management by the Commission and ICRC.

That protocol actually outlines the second phase of work to clarify the fate of the missing persons: that is, collecting information on possible grave sites of missing persons, mapping the sites and subsequently conducting exhumations.

In view of the very low level of mutual trust and the absence of coordination mechanisms between the parties, the ICRC delegation expressed its readiness to assume the lead role in the mapping of grave sites, subsequent exhumation and the processes for the identification and return of remains exclusively within the framework of the implementation of humanitarian programmes.