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Agenda items 34, 35, 40, 68, 70, 71, 72 and 86

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**Security Council  
Seventy-fifth year**

## **Letter dated 18 December 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

In order to realize its unlawful and groundless territorial claims, at the end of 1991 and the beginning of 1992, Armenia unleashed full-scale war against Azerbaijan. As a result, a significant part of the territory of Azerbaijan, including the Daghlyq Qarabagh (Nagorno-Karabakh) region, the seven surrounding districts (Lachyn, Kalbajar, Zangilan, Gubadly, Jabrayil, parts of Fuzuli and Aghdam) and some exclaves, was occupied by Armenia.

The war claimed the lives of tens of thousands of people and ruined cities, towns and villages; all captured areas were ethnically cleansed of more than 700,000 Azerbaijanis. Likewise, about 250,000 Azerbaijanis, out of a population of once half a million who had remained in Armenia, were also brutally expelled from their ancestral lands at the end of 1980s.

Some of the offences committed by the Armenian side during the conflict, which constitute war crimes, also amount to the crime of genocide, as ethnic Azerbaijanis



have been targeted because of their nationality and/or ethnicity, and the relevant intent has been to destroy the group in part.<sup>1</sup>

The Security Council was actively seized of the matter from 1992 to 1995. On 12 May 1992, the Council adopted its first presidential note ([S/23904](#)), following the seizure of Shusha, the largest Azerbaijani-populated city and administrative centre in Daghlyq Qarabagh. However, despite the demands of the Council “to bring the violence to an end”, on 18 May 1992, following direct artillery bombardment from within the territory of Armenia, Lachyn, the district situated between Armenia and the Daghlyq Qarabagh region of Azerbaijan and populated by the Azerbaijanis, was occupied.

By the end of 1992, two other presidential notes – [S/24493](#) (26 August 1992) and [S/24721](#) (27 October 1992) – were adopted by the Security Council. However, neither those measures within the Council nor the efforts of the Conference on Security and Cooperation in Europe prevented the spiralling of the war. Armenia’s attacks and territorial seizures had continued.

In 1993, in response to the continued acts of aggression, the Security Council adopted four resolutions – [822 \(1993\)](#), [853 \(1993\)](#), [874 \(1993\)](#) and [884 \(1993\)](#) – condemning the use of force against Azerbaijan, the occupation of its territories and attacks on civilians and bombardment of inhabited areas, reaffirming respect for the sovereignty and territorial integrity of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory. In response to territorial claims and forcible actions, the Security Council confirmed that the Daghlyq Qarabagh region is an integral part of Azerbaijan and demanded the immediate, complete and unconditional withdrawal of Armenian occupying forces from all the occupied territories of Azerbaijan. Numerous decisions and documents adopted by other international organizations were framed along the same lines.

However, Security Council key demands have not been implemented by Armenia, while the mediation efforts conducted within the framework of the Organization for Security and Cooperation in Europe had yielded no results.

On the contrary, having used military force to occupy the territories of Azerbaijan, Armenia has never engaged faithfully in negotiations and, instead, has directed all its efforts at consolidating the occupation and colonizing the seized territories. As a means of implementing its annexation policy, Armenia has encouraged and facilitated the transfer of thousands of settlers into the occupied territories from Armenia and abroad and has extensively exploited natural resources and other wealth in those territories, in clear violation of international law and in contravention of the objectives of the political settlement of the conflict.<sup>2</sup>

Over this period, Armenia has repeatedly carried out armed provocations on the ground, which have caused numerous casualties among the Azerbaijani civilians and militaries.<sup>3</sup>

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<sup>1</sup> See Malcolm N. Shaw, Naomi Hart, *Report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia’s responsibility*, United Nations document [A/74/676-S/2020/90](#) (7 February 2020).

<sup>2</sup> For more information, see *Report on illegal economic and other activities in the occupied territories of Azerbaijan*, United Nations document [A/70/1016-S/2016/711](#) (16 August 2016).

<sup>3</sup> See, for example, United Nations documents [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).

On 27 September 2020, Armenia perpetrated yet another act of aggression, subjecting the positions of the armed forces of Azerbaijan along the front line and the adjacent populated areas of Azerbaijan to intensive fire with the use of large-calibre weapons, artillery and mortars. The combat actions that followed have lasted for 44 days.<sup>4</sup>

Similar to its atrocity methods of warfare employed in early 1990s, Armenia, with the direct participation of mercenaries and foreign terrorist fighters,<sup>5</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. There have also been multiple instances of extrajudicial executions and mistreatment of Azerbaijani prisoners of war, as well as of desecration and mutilation of dead bodies by Armenian militaries.

Ganja, the second largest city of Azerbaijan, was hit three times. Two strikes, on 11 and 17 October, with the use of Scud ballistic missiles were launched from the territory of Armenia, claiming the lives of 25 civilians and injuring more than 84 civilians.

On 28 October, the city centre of Barda came under the massive fire with Smerch multiple-launch rocket systems, causing the death of 21 civilians and injuring more than 70 civilians. United Nations High Commissioner for Human Rights Michelle Bachelet has characterized the consequences of the attack on Barda on 28 October as “the biggest single loss of life”, noting also that “the rockets, allegedly fired by Armenian forces from Nagorno-Karabakh, reportedly carried cluster munitions”.<sup>6</sup>

In total, as a result of direct and indiscriminate attacks carried out by the armed forces of Armenia between 27 September and 9 November 2020, 101 Azerbaijani civilians, including 12 children, were killed, 423 civilians were wounded, almost 84,000 people were forced to leave their homes and over 4,300 private houses and apartment buildings and 548 other civilian objects were either destroyed or damaged (see annex I). Even hospitals, medical facilities, ambulances, schools, kindergartens, religious sites, cultural monuments and cemeteries were not spared.

The report of Human Rights Watch provides the findings of its investigation of missile, rocket and artillery attacks by Armenian forces that struck Aghdam, Barda, Fuzuli, Ganja, Goranboy, Naftalan and Tartar in Azerbaijan:

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<sup>4</sup> See United Nations documents [A/75/357-S/2020/948](#) (28 September 2020), [A/75/368-S/2020/956](#) (30 September 2020), [A/75/379-S/2020/965](#) (16 October 2020), [A/75/486-S/2020/969](#) (2 October 2020), [A/75/487-S/2020/973](#) (016 October 2020), [A/75/490-S/2020/975](#) (5 October 2020), [A/75/492-S/2020/977](#) (16 October 2020), [A/75/493-S/2020/980](#) (16 October 2020), [A/75/497-S/2020/982](#) (7 October 2020), [A/75/508-S/2020/1001](#) (13 October 2020), [A/75/510-S/2020/1005](#) (14 October 2020), [A/75/511-S/2020/1009](#) (14 October 2020), [A/75/512-S/2020/1010](#) (14 October 2020), [A/75/517-S/2020/1016](#) (28 October 2020), [A/75/529-S/2020/1027](#) (21 October 2020), [A/75/553-S/2020/1046](#) (28 October 2020), [A/75/554-S/2020/1050](#) (28 October 2020), [A/75/555-S/2020/1047](#) (29 October 2020), [A/75/558-S/2020/1051](#) (30 October 2020), [A/75/574-S/2020/1083](#) (4 November 2020), [A/75/578-S/2020/1086](#) (5 November 2020) and [A/75/625-S/2020/1161](#) (4 December 2020).

<sup>5</sup> See, for example, United Nations documents [A/75/497-S/2020/982](#) (7 October 2020) and [A/75/625-S/2020/1161](#) (4 December 2020).

<sup>6</sup> “Nagorno-Karabakh conflict: Bachelet warns of possible war crimes as attacks continue in populated areas”, 2 November 2020. Available at [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26464&LangID=E).

Human Rights Watch documented 11 incidents in which Armenian forces used ballistic missiles, unguided artillery rockets, and large-caliber artillery projectiles that hit populated areas in apparent indiscriminate attacks. In at least four other cases, munitions struck civilians or civilian objects in areas where there were no apparent military targets.

“Armenian forces repeatedly launched missiles, unguided rockets, and heavy artillery into populated cities and villages in violation of the laws of war”, said Hugh Williamson, Europe and Central Asia director at Human Rights Watch. “Again and again in the course of the six-week war, these attacks unlawfully destroyed civilian lives and homes and should be impartially investigated”.

...

In addition to causing civilian casualties, the Armenian attacks damaged homes, businesses, schools and a health clinic and contributed to mass displacement.

...

“Armenian forces fired hugely destructive, inaccurate weapons into Azerbaijan’s cities, towns, and villages”, Williamson said. “Accountability for these and other apparent violations of the laws of war by both sides is critical if the region is ever going to move beyond this vicious, decades-long conflict”.<sup>7</sup>

Investigations conducted by international non-governmental organizations also confirmed the repeated use by Armenia of the prohibited weapons.

Amnesty International stated the following:

Amnesty International has verified the use of banned cluster bombs by Armenia for the first time in the current Nagorno-Karabakh conflict, following an attack on the city of Barda in Azerbaijan.

Yesterday (28 October 2020), at approximately 1.30 pm local time, one or several Smerch rockets were fired into Barda, striking a residential neighbourhood close to a hospital. The Azerbaijani Prosecutor General’s Office has stated that at least 21 people were killed, with an estimated 70 more injured.

Amnesty International’s Crisis Response experts verified pictures (taken by Vice News reporters in the city) of fragments of 9N235 cluster munitions from Russian-made 9M55 Smerch rockets, that appear to have been fired into the city by Armenian forces.

“The firing of cluster munitions into civilian areas is cruel and reckless, and causes untold death, injury and misery”, said Marie Struthers, Amnesty International’s Regional Director for Eastern Europe and Central Asia.<sup>8</sup>

Human Rights Watch stated the following:

Armenian forces either fired or supplied internationally banned cluster munitions and at least one other type of long-range rocket used in an attack on Barda city, 230 kilometers west of Azerbaijan’s capital, Baku, on October 28,

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<sup>7</sup> “Armenia: Unlawful Rocket, Missile Strikes on Azerbaijan. Investigate Indiscriminate Attacks, Use of Explosive Weapons in Populated Area”, 11 December 2020. Available at [www.hrw.org/news/2020/12/11/armenia-unlawful-rocket-missile-strikes-azerbaijan](http://www.hrw.org/news/2020/12/11/armenia-unlawful-rocket-missile-strikes-azerbaijan).

<sup>8</sup> “Armenia/Azerbaijan: first confirmed use of cluster munitions by Armenia ‘cruel and reckless’”, 29 October 2020. Available at [www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/#:~:text=Facebook-,Armenia%2FAzerbaijan%3A%20First%20confirmed%20use%20of%20cluster%20munitions,by%20Armenia%20'cruel%20and%20reckless'&text=Amnesty%20International%20has%20verified%20the,city%20of%20Barda%20in%20Azerbaijan](https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/#:~:text=Facebook-,Armenia%2FAzerbaijan%3A%20First%20confirmed%20use%20of%20cluster%20munitions,by%20Armenia%20'cruel%20and%20reckless'&text=Amnesty%20International%20has%20verified%20the,city%20of%20Barda%20in%20Azerbaijan).

2020 ... The attack reportedly killed at least 21 civilians and wounded at least another 70.

Human Rights Watch analyzed photos of cluster munition remnants taken by international and local journalists and residents at and near the attack scene. It identified two of the weapons as a Smerch cluster munition rocket and a Smerch parachute-retarded high-explosive fragmentation rocket. As far as Human Rights Watch is aware, Armenian forces possess Smerch multi-barrel rocket launchers, but Nagorno-Karabakh forces do not. It is therefore likely that Armenian forces carried out the attack or supplied the munitions to Nagorno-Karabakh forces. Armenia should immediately cease using cluster munitions or supplying them to Nagorno-Karabakh forces.

...

Human Rights Watch reviewed six videos and 28 photographs taken from the scenes of the attack and shared directly with researchers, as well as posted on social media. Human Rights Watch was able to verify the locations of two of the sites attacked by matching key landmarks in the photographs and videos with satellite imagery. One of the locations confirmed was less than 100 meters from Barda Central Hospital, the city's largest fully functioning hospital.

Remnants of the distinctive warhead section of a Smerch cluster munition rocket and parts of unexploded 9N235 submunitions are visible in the pictures. They also show the remnants of another type of Smerch rocket that uses a unitary blast-fragmentation warhead with a parachute to control its descent before detonating above-ground. The blast and fragmentation damage at the attack scenes and the victims' visible wounds are consistent with the blast and fragmentation effect from these weapons.

...

The journalist said that while he has seen people wearing fatigues on the street in border towns like Barda, he had not seen any concentrated presence of soldiers or military vehicles on the road before or at the time of the attack. Even if there had been a military object in the area, given the indiscriminate effects of cluster munitions, their use in a residential civilian setting is not permitted under the laws of war.<sup>9</sup>

In its most recent report, Human Rights Watch shared the following findings with regard to the repeated attacks with cluster munitions by Armenian forces:

During a visit in Azerbaijan in November 2020, Human Rights Watch researchers documented four attacks with cluster munitions in three of the country's districts. They killed at least seven civilians, including two children, and wounded close to 20, including two children.

...

Human Rights Watch also documented a cluster munition attack on the city of Barda in Azerbaijan that killed 21 civilians and wounded 70 in October.

During a research trip in Azerbaijan in the first half of November, Human Rights Watch documented four attacks with cluster munitions by Armenian forces,

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<sup>9</sup> "Armenia: Cluster Munitions Kill Civilians in Azerbaijan – stop using banned weapons; secure and destroy stocks", 30 October 2020. Available at [www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan#](http://www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan#).

including one in Barda district, two in Goranboy district, and one in Tartar district.<sup>10</sup>

In order to repulse the aggression, Azerbaijan had taken counteroffensive measures in the exercise of its inherent right of self-defence. Azerbaijan acted exclusively on its sovereign soil to protect its civilian population, liberate the occupied territories from aggressors and terrorists and allow more than 700,000 internally displaced persons to return to their homes and properties in dignity and safety. As a result of the counteroffensive operation, more than 300 cities, towns and villages in Azerbaijan were de-occupied and Armenia was enforced to peace.<sup>11</sup>

The resumption of hostilities has become the consequence of Armenia's disregard for international law, deliberate non-fulfilment of Security Council resolutions 822 (1993), 853 (1993), 874 (1993) and 884 (1993), inflammatory and warmongering statements and consistent provocations on the ground. Impunity that Armenia has enjoyed for more than 30 years has generated a sense of permissiveness among its authorities and freed their hands for new acts of aggression and hate crimes.

The scorched-earth policy has been implemented systemically and methodically in the occupied territories by Armenia. The scale of destruction, vandalism, plunder and looting evidenced after their liberation is shocking and unprecedented. Except for the areas inhabited by Armenian illegal settlers, most parts of the occupied territories have literally been turned into a ghost land, as all the civilian infrastructure and private houses, as well as cultural and religious sites, that existed there before the occupation were razed to the ground (see annex II). Out of 67 mosques and Islamic religious shrines in those territories, 64 have been destroyed or significantly damaged and desecrated. Defiled by Armenian graffiti, the mosques in the Aghdam, Gubadly and Zangilan districts were used as pigsties and cowsheds. More than 900 graveyards were destroyed and vandalized in those territories.

Furthermore, most of the occupied territories were heavily mined, including even the cemeteries and historical sites. According to an assessment by the Azerbaijan National Agency for Mine Action, it will take between 10 and 13 years to clear the liberated areas of all mines and munitions.

Equally deplorable is that Armenian illegal settlers vacating the territories to be returned to Azerbaijan's control under the terms of the 9 November 2020 agreement were disassembling and then burning houses, schools and other civilian infrastructure; removing cultural property, including archaeological artefacts; severing electric cables and poles; destroying gas stations; chopping down trees; and setting forests on fire in an attempt to leave nothing behind. Unlike Armenians, when Azerbaijanis were expelled from the same territories in 1993 by the invading Armenian forces, they left their properties intact, as legitimate and genuine owners, taking with them only the keys in the hope of returning to their homes.

Proof of alleged "archaeological excavations" and so-called "reconstruction" works was revealed in some liberated territories, confirming previous reports of Armenia's attempts to eradicate their Azerbaijani cultural and historical roots and identity. Moreover, a workshop was found in the liberated Kalbajar district of Azerbaijan, containing evidence of mass production of "ancient" khachkars, Armenian cross-stones. These khachkars were oxidized and greased with vinegar so that they appeared old, then buried as "undeniable" proof of Armenian centuries-long roots in the region.

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<sup>10</sup> "Armenia: Cluster Munitions Used in Multiple Attacks on Azerbaijan", 15 December 2020. Available at [www.hrw.org/news/2020/12/15/armenia-cluster-munitions-used-multiple-attacks-azerbaijan#](http://www.hrw.org/news/2020/12/15/armenia-cluster-munitions-used-multiple-attacks-azerbaijan#).

<sup>11</sup> See United Nations document S/2020/1104 (11 November 2020).

Armenia is responsible for numerous war crimes committed by it, its agents and officials 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 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.

I should be grateful if you would have the present letter and its annexes circulated as a document of the General Assembly, under agenda items 34, 35, 40, 68, 70, 71, 72 and 86, and of the Security Council.

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

**Annex I to the letter dated 18 December 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

**Evidence of direct and indiscriminate attacks on the cities, towns and villages of Azerbaijan by Armenia from 27 September to 9 November 2020**

**Aghdam**

**Images 1–14: private houses**











Images 15–17: school in Garadagli village



Images 18–20: settlement for internally displaced persons, “Birinji Baharli”



**Barda**

**Images 21–25: private houses and civilian property**





**Fuzuli**

**Images 26–27: private houses**



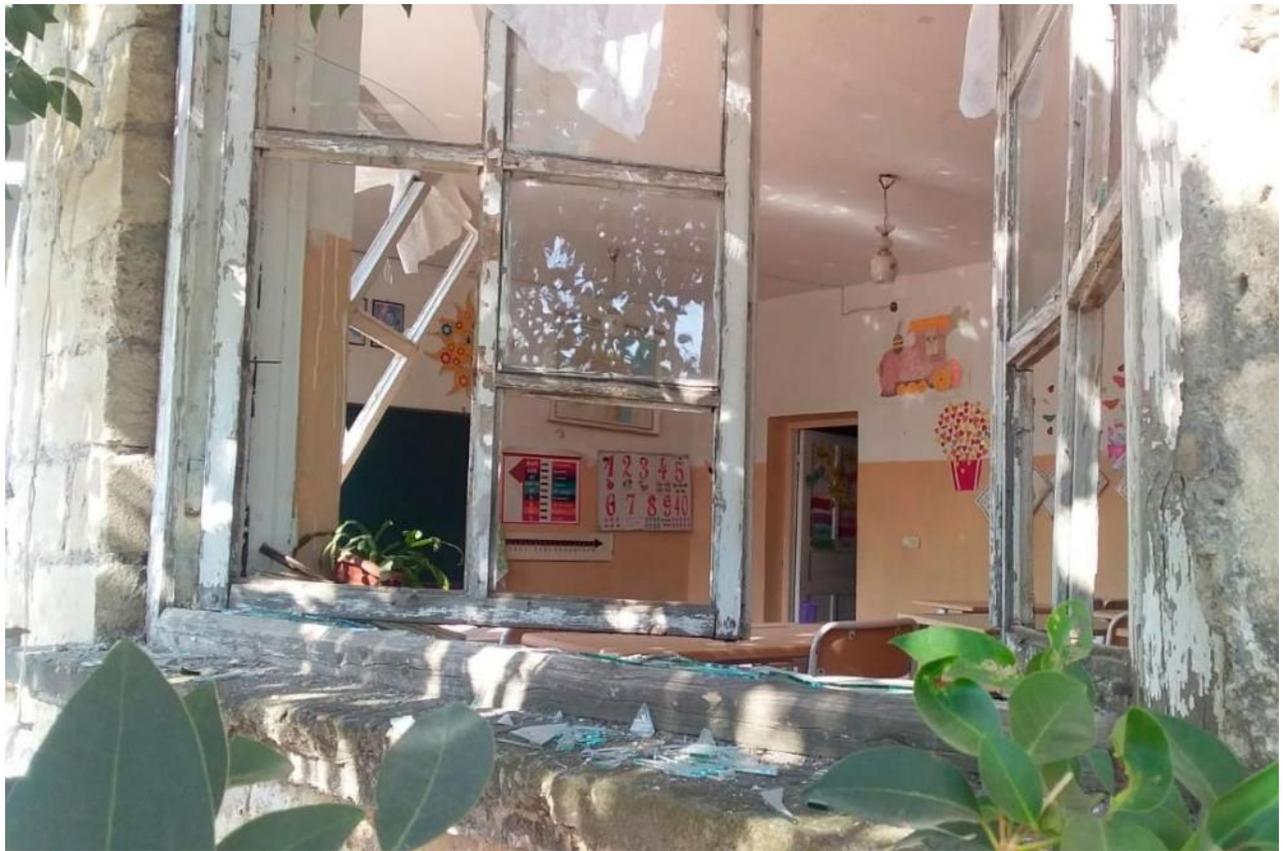
**Ganja**

**Images 28–31: residential buildings and civilian properties**





Images 32–34: school in Ganja



**Goranboy**

**Images 35–38: private houses**



**Naftalan**

**Images 39–40: private properties**



Tartar

Images 41–47: schools





Images 48–52: residential building and private houses



**Annex II to the letter dated 18 December 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General**

**Consequences of the Armenian occupation**

**Aghdam**

**Images 53–57**







**Fuzuli**

**Images 58–62**





