



**Permanent Mission
of the Republic of Azerbaijan
to the UN Office and other
International Organizations**

GENEVA

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The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the joint communication of the Working Group on the use of mercenaries, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment concerning the alleged “use of Syrian fighters to take part in military operations in the Nagorno-Karabakh conflict” dated 6 November 2020, has the honour to transmit herewith the letter of H.E. Mr. Jeyhun Bayramov, Minister of Foreign Affairs of the Republic of Azerbaijan in response to the abovementioned joint communication.

The Permanent Mission requests the Office to convey the abovementioned response of the Minister of Foreign Affairs of the Republic of Azerbaijan to the Working Group on the use of mercenaries, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 13 November 2020



Enclosure: 94 pages

Office of the United Nations
High Commissioner for Human Rights
GENEVA



Azərbaycan Respublikasının
Xarici İşlər Naziri

Minister of Foreign Affairs
of the Republic of Azerbaijan

Baku, 12 November 2020

Dear Special Procedures Mandate-holders,

In response to your Joint Communication dated 06 November 2020 concerning the alleged “use of Syrian fighters to take part in military operations in the Nagorno-Karabakh conflict” in support of the Armed Forces of Azerbaijan, as well as human rights impact of this “practice”, I wish to inform you of the following.

The Government of Azerbaijan categorically rejects all the allegations and affirmations reflected in the above-referred joint communication. Azerbaijan has not used and is not willing to use the services of any foreign national in its Armed Forces. This fact constitutes the simple answer to all the questions raised in the above-referred communication.

I regret also for the issuance of News Release on 11 November by your respective mandates in which you presented false and politically biased accusations as facts and drew your conclusions based on those unsubstantiated allegations.

Mr. Chris Kwaja

Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

Mrs. Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mr. Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Azerbaijan has a principled position in countering terrorism. We strongly reject terrorism in all its forms and manifestations and consider that all terrorist-related activities are unjustifiable regardless of their motivation and must be condemned and prosecuted. As state party to all global and regional conventions on combating terrorism and as a state that has suffered from terrorism, Azerbaijan has one of the toughest national legislations in relation to the mercenary activities.

Azerbaijan expresses its dismay concerning the presentation, in some parts of the communication, of certain allegations by mandate-holders as established facts. I wish to recall the Code of Conduct for Special Procedures Mandate-holders approved by HRC resolution 5/2 (2007) which explicitly stipulates the following.

The mandate holders shall:

- always seek to establish the facts, based on objective, reliable information emanating from relevant credible sources, that they have duly cross-checked to the best extent possible (Article 6);
- rely on objective and dependable facts based on evidentiary standards (Article 8);
- make sure that communications contain factual description of the alleged violations of human rights (Article 9).

The Joint Communication received from respective mandate holders do not contain any information about the source of allegations and factual description of alleged violations, nor does it include name of any person whose rights have been violated. It also gives us a reason to believe that none of the allegations reflected in the communication has been cross-checked by the mandate-holders before submitting to the Government of Azerbaijan.

Moreover, according to Article 13 (a) of the above-referred Code of Conduct, the public statements issued by the mandate holders concerning allegations of human rights violations must fairly indicate the responses received by the concerned State. Issuance of News Release on 11 November before receiving response from Azerbaijan is yet another violation of the Code of Conduct by your respective mandates.

UN Human Rights Council special procedures mandate-holders represent UN and the terms used by them in their communications should be strictly based on UN established languages. In this regard, I express my strong discontent on your references to the name of the conflict between Armenia and Azerbaijan as “*Nagorno Karabakh conflict*” in your Joint Communication and News Release. UN Security Council resolutions of 1993, as well as UNGA resolution of 2008 indicate the name of the conflict as “*conflict in and around the Nagorno Karabakh region of the Republic of Azerbaijan*”.

All the above-mentioned incompliances constitute abuse of UN authorities by your respective mandates and attack against sovereign state based on unsubstantiated and politically motivated allegations.

In fact, it is Armenia who has been occupying for almost 30 years now one fifth of internationally recognized territories of Azerbaijan. As a result of military aggression by Armenia accompanied by wide use of mercenaries and foreign terrorist fighters hundreds of thousands of Azerbaijanis were forcefully expelled from their homes and became internally displaced persons. As a direct consequence of ethnic cleansing, all civilian population has been expelled from the occupied territories and no infrastructure left therein, except military installations of Armenia.

Having exploited the political settlement process, as well as Azerbaijan's commitment to this process for almost 30 years, Armenia took consistent steps to consolidate the results of occupation of territories of Azerbaijan aiming at their annexation.

Being against the political settlement which rejects the status-quo based on illegal use of force, and having undertaken a chain of provocative statements and actions undermining this process, Armenia finally resorted to large-scale aggression against Azerbaijan on September 27, 2020 by shelling the military positions of Azerbaijan and densely populated residential areas along the entire frontline. The Armed Forces of the Republic of Azerbaijan were compelled to launch a counter-offensive operation.

In this regard, I wish to draw your attention to the following:

- The Armed Forces of the Republic of Azerbaijan acts on the sovereign territory of Azerbaijan within the limits of self-defense to protect the sovereignty and territorial integrity of Azerbaijan and ensure safety and security of its citizens;
- The counter-offensive operation of the Armed Forces of Azerbaijan is conducted exclusively in accordance with international humanitarian law and all the obligations under international humanitarian law are strictly followed in close cooperation with the International Committee of Red Cross ;
- The Armed Forces of the Republic of Azerbaijan do not fight against the civilians, in particular the citizens of Azerbaijan of Armenian origin, and do not target civilians and civilian infrastructure in the occupied territories;
- The Armed Forces of the Republic of Azerbaijan do not possess and consequently do not use any prohibited weapon or ammunition.

I wish to further underline that Armenia, having occupied the territories of Azerbaijan and rejecting to withdraw from these territories in violation of demands of the international community, first and foremost, the four resolutions adopted by the UN Security Council in 1993 (822, 853, 874 and 884) resorted to brutal tactic of terror by deliberately targeting large civilian settlements, including those located far away from the frontline, such as Ganja, Barda and Tartar with heavy artillery and missiles, including ballistic and cluster munitions with a view to compensating the heavy defeat it faced on the battlefield from the Armed Forces of Azerbaijan. As a result, 93 civilians, among them 12 children and 27 women were killed, 405 civilians, including children, women and elderly were seriously wounded. Civilian infrastructure, including

medical and educational facilities, critical public infrastructure and private property were inflicted serious damage. Three consequent announcement of humanitarian ceasefire did not stop Armenia committing terrorist attacks on civilians.

The facts testifying these reckless attacks of Armenia on civilians and civilian infrastructure amounting to war crimes and crimes against humanity have been presented to the international community, including to the UN High Commissioner for Human Rights and registered by diplomatic corps accredited in Azerbaijan, as well as international institutions and structures, such as the International Committee of Red Cross, Human Rights Watch, Amnesty International and foreign mass media representatives.

I wish to recall that according to public statements of high-level Armenian officials, since the outbreak of hostilities the majority of Armenians residing in the occupied territories of Azerbaijan have left these territories for Armenia. The Azerbaijani side repeatedly appealed to those remaining in the area to stay away from military installations and refrain from taking a part in the military hostilities, since this would undermine their status as civilian and turn them into combatants. Therefore, reports by Armenian propaganda on losses among Armenian civilians seem to be artificially exaggerated.

Armenia did not only target the civilians of Azerbaijan, but also the foreign media representatives trying to present objective assessment of the situation in the conflict zone. I would like therefore to draw the attention of the Special Rapporteur on the promotion and protection of freedom of opinion and expression to the facts of harassment by Armenians of different countries against the journalists of TF1 (██████████), La Republica (██████████), TRT and New York Times orchestrated by Armenian Government and accompanied by life threatening messages due to their fair coverage of Armenian atrocities against Azerbaijani civilians. I urge the mentioned mandate-holder to investigate those cases and publicly condemn Armenia for running such shameful campaign against international journalism.

As for the use of mercenaries in the recent hostilities, I wish to emphasize that Armenia in an open attempt to cover-up its above-mentioned wrongdoings, brazenly accuses Azerbaijan of the same with a view to diverting the attention of the international community, and to that end carries out a massive campaign of fake news. Professional analysis of video and photo materials presented by Armenia to substantiate its claims proves that all these are nothing more than pre-fabricated falsifications. All those falsifications have extensively been multiplied by Armenian users in the social media and later republished by mass media sources. In contrary, the report submitted by Azerbaijan to the OHCHR on the use of foreign terrorist fighters by Armenia in its recent aggression against Azerbaijan contains factual evidences with real photos and private data of the terrorist fighters.

Throughout the years of occupation of Azerbaijani territories the Government of Armenia has consistently moved the foreign terrorist fighters (FTFs) and their recruiters from Syria, Iraq and Lebanon through specific geographic routes into the occupied Azerbaijani territories.

Armenia organized accommodation, training and logistical maintenance of FTFs in the occupied territories for preparing them to carry out terrorist activities against Azerbaijan. The FTFs have undertaken extensive trainings in the training camps established by Armenia under the instruction of skilled terrorists of PKK and ASALA (Armenian Secret Army for the Liberation of Armenia) terrorist organizations. The movement of FTFs has been intensified immediately after the recent aggression by Armenia starting from 27 September 2020. All those FTFs have been engaged in the recent war against Azerbaijan.

Azerbaijan has repeatedly brought this growing threat to the attention of world community. In its communications Azerbaijan called all states to condemn Armenia of its illegal settlement policy in the occupied territories of Azerbaijan, to strengthen border control measures for preventing the movement of foreign terrorist fighters into the territories of Azerbaijan, to suppress the financing of terrorism undertaken under the cover of charity activities by Armenian organizations, as well as to prevent the abuse of civilian aviation for the purpose of shipment of FTFs and armament into the occupied territories of Azerbaijan.

Based on open source and intelligence data Azerbaijan has prepared a detailed report on the facts of recruitment of FTFs by Armenia in the course of its recent aggression against Azerbaijan. I enclose herewith the mentioned report, as well as the report of the Human Rights Commissioner of Azerbaijan on violations by Armenia of international human rights and humanitarian law in the course of recent armed aggression against Azerbaijan for your consideration.

I believe that information and arguments presented in this letter, as well as enclosed reports provide you with legitimate reasons and sufficient evidences to issue a new News Release on the basis of response and facts provided by Azerbaijan.

I also urge you to call on the Republic of Armenia to cease its activities of recruitment of foreign terrorist fighters into its armed groups currently illegally deployed in the occupied territories of Azerbaijan. I also request you to inquire additional information from the relevant countries, the nationals of which have joined the recent hostilities against Azerbaijan, on measures undertaken to prevent their departure to the conflict zone and to hold those individuals accountable for their criminal activities.

Encl.: 89 pages

Sincerely,

 Jeyhun Bayramov