



**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 has the honour to state the following in conjunction with the statement of the UN High Commissioner for Human Rights dated 2 November 2020 on the Nagorno-Karabakh conflict.

For twenty-eight years, Armenia has been occupying the Nagorno-Karabakh region and seven surrounding districts of the Republic of Azerbaijan as a result of its military aggression against Azerbaijan. Around 350,000 Azerbaijanis were deported from their historic lands in Armenia in the result of ethnic cleansing carried out by Armenian authorities in 1987-1992 thus becoming refugees, while 2,000 of them were killed during the deportation. More than 40,000 Azerbaijanis from the Nagorno-Karabakh region of Azerbaijan and 700,000 Azerbaijanis from seven adjacent districts of Azerbaijan have been forced to flee their homes in 1992 – 1993 in the result of armed aggression of Armenia against Azerbaijan, and have become internally displaced persons (IDPs) in the course of a continued ethnic cleansing conducted by Armenia in these territories.

In its Resolutions 822 (1993), 853 (1993), 874 (1993), and 884 (1993), the UN Security Council expressed its serious concern over “a continuation of the conflict in and around the Nagorny Karabakh region of the Azerbaijan Republic”, reaffirmed “the sovereignty and territorial integrity of the Azerbaijani Republic”, reaffirmed also “the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory”, and demanded “the immediate, complete and unconditional withdrawal of the occupying forces” from “all occupied territories of the Azerbaijani Republic”. In these Resolutions, the Security Council requested the UN Secretary-General to assist displaced persons to return to their homes in security and dignity, the implementation of which is also obligatory for the OHCHR as the part of the UN Secretariat. Many other international entities such as the UN General Assembly, OSCE, Council of Europe, NATO, European Parliament, Non-Aligned Movement, OIC etc. have adopted similar positions on the sovereignty and territorial integrity of Azerbaijan.

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High Commissioner for Human Rights
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Along with the complete withdrawal of the Armenian armed forces from the occupied territories, the realization of the fundamental right of Azerbaijani IDPs to return to their homes has always been a core element and imperative condition of the conflict settlement in accordance with the international law. The Government of Azerbaijan invested about 6 billion USD to mitigate the sufferings and to address social problems of displaced population in the last twenty years in the absence of any visible steps on the part of the UN towards the implementation of the Security Council Resolutions and the search for durable solution to the plight of the displaced population.

Since the establishment of the Office of the High Commissioner for Human Rights in December of 1993, Azerbaijan has always been underlining the need of adequate measures to be taken by the UN Human Rights Office towards the restoration of violated human rights of Azerbaijani refugees and IDPs in line with the relevant Resolutions of the UN Security Council and General Assembly, and highlighting the importance of reminding the aggressor state – Armenia – of its international human rights obligations, including those related to ensuring rights of Azerbaijani refugees and IDPs to return home in a safe and dignified manner. In its regular communications with the OHCHR and in the UN Human Rights Council meetings, the Permanent Mission provides a lot of information on the policies of Azerbaijan related to the Armenian-Azerbaijani Nagorno-Karabakh conflict and its consequences for the human rights situation of Azerbaijani refugees and IDPs. Regrettably, the expected principled position on this essential matter has never been expressed publicly either by the previous or by the present High Commissioner. The recent two letters of the Foreign Minister of Azerbaijan on these issues addressed to the High Commissioner still remain unanswered.

Thus, enjoying the impunity for its continued policy of occupation, on the 27th of September 2020, Armenia committed another act of aggression against Azerbaijan by launching deliberate, indiscriminate, and targeted attacks using large-calibre artillery and missiles against Azerbaijani populated areas, which resulted in numerous casualties among civilians.

Under these circumstances, and in the absence of a meaningful international reaction to these new provocations, including also the failed OSCE Minsk Group negotiation process, the Armed Forces of Azerbaijan undertook counter-offensive measures utilizing its inherent right of self-defence in accordance with the UN Charter and in full compliance with the international humanitarian law, in order to repel this renewed military aggression by Armenia and thus ensure security of civilians and civilian infrastructure targeted inside the internationally recognized territories of Azerbaijan. **It has to be stressed that the counter-offensive is carried out exclusively on the territory of Azerbaijan which has been under occupation by Armenia, with no intention to expand military operations into the territory of an aggressor state – Armenia, as it has been officially stated on numerous occasions, including by the President of the Republic of Azerbaijan.** As of today, Azerbaijan as a responsible member of the international community and bound by its allegiance to the UN Charter, has already unilaterally implemented legally binding UN Security Council Resolutions 874 and 884 referring to the occupation of Fizuli, Jabrail, Gubadly and Zangelan districts of Azerbaijan.

Despite the announcement of three humanitarian truces agreed by the OSCE mediators between Azerbaijan and Armenia, the Armenian military in violation of a ceasefire continue to subject residential areas of Azerbaijan, including those far away from the conflict zone, to artillery and missile attacks both from the occupied territories of Azerbaijan and from the territory of Armenia itself. Consequently, Azerbaijani army units are obliged to respond to these daily violations of truce in order to prevent killings of Azerbaijani civilians and to allow for the resumption of humanitarian operations in the conflict zone.

Since the start of the counter-offensive, 91 Azerbaijani civilians, including children, women and elderly, were killed, about 400 wounded civilians were hospitalized, 455 civilian facilities, 2465 private houses and 97 apartment buildings were damaged or destroyed in numerous districts and cities of Azerbaijan, including Ganja, Mingchevir, Yevlakh, Tartar, Barda, Aghdam, Fizuli, Aghjabadi, and Beylagan, 40,000 Azerbaijanis have been temporarily displaced deep into the country to escape Armenian artillery and missile attacks.

Ganja, the second largest city of Azerbaijan located far away from the conflict zone, was heavily bombarded at night hours on the 11th and 17th of October with SCUD ballistic missiles launched from the territory of Armenia, in the absence of any military installations in the targeted area, and with death toll among civilians reaching 26 persons, including women and children.

The biggest single loss of lives was on the 28th of October 2020, when Armenian military launched a deadly strike against Azerbaijani city of Barda using SMERCH multiple launch rocket systems armed with cluster munition warheads causing serious civilian casualties. As a result of this barbarian strike, 21 civilians including women, children and a volunteer of Azerbaijan Red Crescent Society delivering aid to civilians, were killed, more than 70 people were seriously injured.

Against this background, Azerbaijan regrets the doubts expressed by the High Commissioner in her statement by using expressions like “alleged” use of cluster munitions by Armenia in rocket attacks against Barda, while international human rights organisations such as Human Rights Watch, Amnesty International, as well as many international media outlets have already verified and confirmed the facts of the use of cluster munitions against Azerbaijani civilians during their on-spot investigations and in their coverages from the targeted areas. Furthermore, without bringing any proofs on the use of cluster munitions by Azerbaijan, the High Commissioner still calls on “both parties” to stop using them.

The war crimes committed by Armenia and registered by international human rights organizations and international media institutions meet with resistance of Armenia, which is not only extensively producing “fake news” about Azerbaijani politics and military operations, but also resorts to smear campaign, harassment, hate speech and terror threats through radical members of its diaspora against international stakeholders, including media outlets like TF1 TV channel in France, The New York Times, The Washington Times newspapers in the USA, independent media entities in other European countries that choose to present objective information about the conflict, rather than to follow suit of Armenian propaganda.

Taking the above-stated into account, the cautious assessment by the High Commissioner that “the use of cluster munitions in populated areas **would be incompatible** with the international humanitarian law principles” is clearly an understatement. The proven deliberate killings of peaceful population in Barda, Ganja, Terter and other cities of Azerbaijan by Armenian military using cluster munitions **do establish** blatant violations of fundamental norms and principles of the international law and the international humanitarian law, constitute war crimes and crimes against humanity, and therefore entail state and individual criminal responsibility under the international law.

It is truly regretful that instead of addressing the abovementioned war crimes in a clear and detailed manner, the High Commissioner’s statement makes reference to a fake video displaying allegedly “summary execution” of two individuals in Armenian military uniform. While there are dozens of questions about the mentioned video, and a number of independent experts have already declared it a staged provocation mastered by the

Armenian authorities, it is surprising and at the same time worrying that the OHCHR drafters of this statement hastily referred to the so-called “in-depth investigations” of mythical “media organizations” without any reference to their identity and in the lack of any due investigative process, as a “compelling information”.

The Permanent Mission deems it necessary to bring the attention of the OHCHR to the fact that in accordance with all international documents on the Armenian-Azerbaijani Nagorno-Karabakh conflict, including those of the UN Security Council, General Assembly and the OSCE, the present conflict is between Armenia and Azerbaijan. Therefore, the use of expressions like “all parties” and/or “all sides” in the High Commissioner’s statement fully contradicts the abovementioned international documents.

Notwithstanding the abovementioned, and while acknowledging the important role of the OHCHR in promoting and protecting human rights throughout the world, Azerbaijan still expects the OHCHR to display its ability to address in an unbiased manner the situation of more than one million Azerbaijani refugees and IDPs expelled from their historical lands in the result of the Armenian aggression and occupation, in particular gross human rights violations, including ethnic cleansings, perpetrated by Armenia against them.

Looking forward to this long-overdue turn in the OHCHR’s attitude to this issue to happen, Azerbaijan remains committed to further developing its cooperation with the UN Human Rights Office.

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, 4 November 2020

