

October 27, 2020

His Excellency António Manuel de Oliveira Guterres
Secretary General of the United Nations

Dear Secretary General,

As NGOs with consultative status at the United Nations, we write to you during the fifth week of conflict in the Republic of Artsakh (also referred to as “Nagorno Karabakh”), which has suffered indiscriminate attacks by Azerbaijan on ethnic Armenian civilians and civilian infrastructure, including:

- The near constant bombardment of Artsakh’s capital city, Stepanakert¹—including following the humanitarian ceasefire of October 10, 2020;²
- The use of cluster bombs in civilian areas, as confirmed by Amnesty International;³
- The destruction of the Armenian cathedral in Shushi, Artsakh on October 8, 2020, which was attacked not once but twice, injuring three foreign journalists who had come to the scene to document the first strike;⁴
- The mutilation and execution of civilians, including that of a disabled young man and his mother in their home in Hadrut, Artsakh;⁵
- The use of drones on non-military targets, including a 14 year old boy who was injured in Armenia;⁶
- The destruction of a cultural center in Shushi, Artsakh⁷ and a hospital in Martakert, Artsakh as doctors were operating;⁸ and
- The introduction into the conflict zone of Turkish-backed foreign mercenaries from Syria, by Azerbaijan.⁹

Multiple independent foreign correspondents have documented these and other apparent violations of customary international law, as well as Azerbaijan’s flouting of both the spirit and specific provisions of several international conventions which Azerbaijan has ratified or acceded to and which apply during times of armed conflict, including (i) the Fourth Geneva Convention “relative to the Protection of Civilian Persons in Time of War,” 12 August 1949; (ii) the Convention on the Prevention and Punishment of the Crime of Genocide, 9 December 1948; (iii) the Convention on the Rights of the Child, 20 November 1989; and (iv) the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999.

Your Excellency, as our NGOs continue to focus on the humanitarian relief efforts in the Republics of Armenia and Artsakh, the above-documented violations place civilians as well as our humanitarian responders at risk. While we commend your statement of October 18, 2020, expressing your regret for the loss of civilian life and your statement of October 25, 2020, calling on the parties to allow unimpeded access to humanitarian workers—made following the recent U.S.-brokered humanitarian ceasefire, which was violated soon after it went into effect—we urge you to use all available mechanisms to stop the humanitarian disaster that the government of Azerbaijan has put into action. Accordingly, we respectfully request that you condemn the above documented violations unequivocally and not in generalized terms.

Moreover, we are concerned by Azerbaijan's claims that the Armenian inhabitants of the Republic Artsakh—which has maintained a majority ethnic Armenian population for over 2,000 years—are “illegal[ly]” in Artsakh and thus Azerbaijan's violence is justified in order to “liberate” the “occupied territories of Azerbaijan” as “recognized by the international community.”

For the claim that the “international community” regards Artsakh as part of the “occupied territories of Azerbaijan,” it appears that Azerbaijan relies on—and mischaracterizes—the 1993 UN Security Council Resolutions and the 2008 General Assembly Resolution 62/243. Azerbaijan promulgates its inaccurate and selective readings of these resolutions (which we address, in turn, below), in effort to convert peaceful civilians into “occupiers” and consequently to justify its military aggression on Artsakh. This is dangerous. We believe, respectfully, that such mischaracterizations must be corrected, both for the security of Artsakh's civilian population as well as to prevent the international community from adopting a dangerous precedent by which the United Nations' resolutions may be distorted to support a purpose other than peace.

First, with respect to the UN Security Council Resolutions from 1993 that Azerbaijan's leaders claim Armenia “ignores” and has “failed to implement,” we note that these resolutions were adopted during a period of military aggression by Azerbaijan against Artsakh, in response to the Artsakh people's peaceful claims for self-determination, which they exercised in accordance with the applicable constitutional mandates and customary international law. By contrast, we understand that the primary aims of these Security Council resolutions were (i) the cessation of hostilities and (ii) the establishment of a lasting ceasefire—and not to offer a political resolution of the Artsakh conflict. Accordingly, the UN Security Council Resolutions do not impose limits on the Artsakh people's exercise of the right to self-determination.

Second, with respect to the UN General Assembly resolution titled “The Situation in the Occupied Territories of Azerbaijan,” adopted on March 14, 2008, at the 62nd session of the General Assembly, this resolution did not resolve the political issue of Artsakh's future. We note that only 39 member states voted in favor of this resolution, 100 abstained, and 3 of the 5



permanent members of the UN Security Council and all OSCE Minsk Group Co-Chairs—the U.S.A., Russia, and France—voted against it. This is hardly an international consensus, and, even if it were, it should not be used to justify Azerbaijan’s military aggression against Artsakh.

Your Excellency, our humanitarian efforts are impeded by the international community’s confusion over the legal status of the Republic of Artsakh and its people’s fundamental right to self-determination, as recognized and protected by customary international law. Accordingly, we respectfully request that, while the legal status of the Republic of Artsakh remains unresolved, Your Excellency makes clear that the 1993 UN Security Council Resolutions and UN General Assembly Resolution 62/243 may not be used as a legal justification for Azerbaijan’s military action and violence against ethnic Armenian civilians and civilian infrastructure in the Republic of Artsakh.

Respectfully,

Armenian NGOs with Consultative Status

Armenian General Benevolent Union (AGBU)

Armenian International Women’s Association (AIWA)

Armenian Relief Society (ARS)

¹ See “Karabakh Cathedral Repurposed as a Bomb Shelter,” France24 (October 4, 2020), *available at* <<https://www.france24.com/en/20201004-karabakh-cathedral-repurposed-as-bomb-shelter>>; “Life Under the Bombs as Armenia and Azerbaijan Return to War,” Vice News (Oct. 9, 2020), <<https://www.youtube.com/watch?v=Vw8WkEsHxMI>>.

² See Anton Troianovski, “At Front Lines of a Brutal War: Death and Despair in Nagorno-Karabakh,” N.Y. Times (Oct. 18, 2020), *available at* <<https://www.nytimes.com/2020/10/18/world/europe/Nagorno-Karabakh-war-Armenia-Azerbaijan.html>>.

³ See “Armenia/Azerbaijan: Civilians must be protected from use of banned cluster bombs,” Amnesty International (Oct. 5, 2020), *available at* <<https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-civilians-must-be-protected-from-use-of-banned-cluster-bombs/>>; “Fresh Azerbaijani shelling shatters peace after fragile ceasefire agreed,” The Guardian (Oct. 10, 2020), *available at* <<https://www.theguardian.com/world/2020/oct/10/fresh-azerbaijani-shelling-shatters-peace-after-fragile-ceasefire-agreed>>.

⁴ See News Desk, “Russian journalists come under attack by Azerbaijani aircraft in Karabakh,” Almasdar News (Oct. 9, 2020), *available at* <<https://www.almasdarnews.com/article/russian-journalists-come-under-attack-by-azerbaijani-aircraft-in-karabakh-video>>; Bethan McKernan, “Trench warfare, drones and cowering civilians: on the ground in Nagorno-Karabakh,” The Guardian (Oct. 13, 2020), *available at* <<https://www.theguardian.com/artanddesign/2020/oct/13/trench-warfare-drones-and-cowering-civilians-on-the-ground-in-nagorno-karabakh?fbclid=IwAR38EJosnqxBk778oJ0LSvHgsc-PWtS76pG6-nHgjuoE3bwJuETyxU4gv5A>>.

⁵ See Grigor Atanesian and Benjamin Strick, “Nagorno-Karabakh conflict: 'Execution' video prompts war crime probe,” BBC (Oct. 27, 2020), *available at* <<https://www.bbc.com/news/world-europe-54645254>>; “The human cost of the Nagorno-Karabakh conflict,” Al Jazeera (Oct. 12, 2020), *available at* <<https://www.aljazeera.com/news/2020/10/12/the-human-cost-of-the-nagorno-karabakh-conflict>>; Nick Waters, “An Execution in Hadrut,” Belling Cat (Oct. 15, 2020), <<https://www.bellingcat.com/news/rest-of-world/2020/10/15/an-execution-in-hadrut-karabakh/?fbclid=IwAR2nobR-KGi3xFnDYl6dynkZVpp4p44xQlpO1XDyppnTdKv856Mpjet09YQ>>.

⁶ See “UNICEF ‘saddened’ over Azeri drone attack in Armenia that severely wounded 14-year-old child,” ArmenPress (Oct. 15, 2020), <<https://armenpress.am/eng/news/1031632.html>>.

⁷ See Associated Press, “Nagorno-Karabakh fighting raises threat of deadly escalation, Lufkin Daily News (Oct. 14, 2020), *available at* <https://lufkindailynews.com/news/international/image_06ff963d-daf5-5f0d-8a36-fd1730f804b8.html>.

⁸ See Patrick Lancaster, “Under Fire Investigating Attack on a Hospital in the Armenia & Azerbaijan War,” <https://www.youtube.com/watch?v=_FpYsHUGr6o> (min 1:07).

⁹ See Raja Abdulrahim, “Turkish-Backed Syrian Fighters Join Armenian-Azeri Conflict,” Wall St. J. (Oct. 14, 2020), *available at* <<https://www.wsj.com/articles/turkish-backed-syrian-fighters-join-armenian-azeri-conflict-11602625885?fbclid=IwAR0jxIRBpP4ww841062uaXi-jphoZhw6Vabh0khzLIaL8nbDfque7k0mUGg>>; See Kareem Fahim, Isabelle Khurshudyan, and Zakaria Zakaria, “Deaths of Syrian mercenaries show how Turkey, Russia could get sucked into Nagorno-Karabakh conflict,” Washington Post (Oct. 13, 2020), *available at* <https://www.washingtonpost.com/world/middle_east/azerbaijan-armenia-turkey-nagorno-karabakh/2020/10/13/2cdca1e6-08bf-11eb-8719-0df159d14794_story.html?fbclid=IwAR0lUFUeUFwOIyEFVtXO9hX-IdXVWzPbqs6m36cXGgShqYkHY_yJVSwtm3Y>.