



Hügelgasse 2, A-1130, Wien | Tel.: + 43 (1) 403 13 22 | Fax: + 43 (1) 403 13 23 | E-mail: vienna@mission.mfa.gov.az

**Statement by the Delegation of the Republic of Azerbaijan
1287th Meeting of the Permanent Council,
29 October 2020**

*Compliance by Azerbaijan with obligations
under international humanitarian law*

Mr. Chairperson,

In response to the military aggression launched by Armenia against the territory and population of Azerbaijan on 27 September 2020, Azerbaijan in exercise of its inherent right to self-defense started counter-offensive operation within its sovereign territory.

I would like to inform the Council on the set of actions taken by the Azerbaijani side to ensure that its Armed Forces discharge the duties in full compliance with international humanitarian law, including the 1949 Geneva Conventions and their Additional Protocols as well as the commitments enshrined in the OSCE documents:

- 1) Since the beginning of counter-offensive, the Ministry of Defence of Azerbaijan has repeatedly stated that the Azerbaijani armed forces neutralize only legitimate military objects in the occupied territories of Azerbaijan and do not target civilian population and civilian infrastructure, adhering to the principle of distinction.¹ They distinguish at all times peaceful civilians from combatants, as well as civilian from military objects.
- 2) The Ministry of Defense of Azerbaijan, in co-operation with ICRC, prepared special brochures with instructions and handed them over to servicemen of the Azerbaijani Armed Forces. The instructions provide guidelines on compliance with combat rules and other elements of international humanitarian law, including treatment of civilian population during the conduct of war.²
- 3) The Ministry of Defence of Azerbaijan appealed to civilians living in the occupied territories of Azerbaijan, calling upon them not to take arms and stay away from the combat operations, especially from firing points, military facilities and military infrastructure of the Armed Forces of Armenia.³ The Azerbaijani side expressed its readiness to take all necessary measures to ensure security, food, medical care and other needs of the civilian population who crossed to the

¹<https://mod.gov.az/en/news/azerbaijan-army-does-not-shell-civilians-32324.html>

²<https://defence.az/en/news/146430/icrc-prepares-special-brochures-for-azerbaijani-army>

³<https://mod.gov.az/en/news/the-civilian-population-living-in-occupied-territories-is-advised-to-stay-away-from-military-facilities-33280.html>

Azerbaijani side.⁴ The Ministry assured the civilians that all their rights will be guaranteed and protected and that necessary conditions will be created for their evacuation from the conflict zone. Civilians wishing to move to third countries have been guaranteed such transfers with mediation of international organizations.⁵

- 4) On 18 October 2020 Secretary of the State Commission of the Republic of Azerbaijan on Prisoners of War, Hostages and Missing Persons Mr. Ismayil Akhundov visited the hospital where captured Armenian prisoners of war were undergoing treatment and inquired about their condition and treatment.⁶ The Armenian servicemen have also been provided with an opportunity to contact their families in Armenia by phone and via video appeal.
- 5) On 24 October 2020 the Ministry of Defence of Azerbaijan appealed to soldiers and volunteers who were deceived and brought to the occupied territories of Azerbaijan by the military-political leadership of Armenia to lay down arms and surrender.⁷ The Ministry provided assurances that all rights of prisoners of war and medical care for wounded Armenian prisoners of war who were captured during the combat operations will be protected in accordance with international humanitarian law.⁸
- 6) At the meetings held with the Representatives of the ICRC, Chairman of the State Commission of Azerbaijan on Prisoners of War, Hostages and Missing Persons Mr. Ali Naghiyev and other officials expressed readiness of Azerbaijan to exchange corpses of deceased military servicemen and to transfer unilaterally to Armenia the remains of fallen Armenian servicemen via a pre-agreed corridor with the mediation of the ICRC; to release 2 Armenian servicemen and 2 civilians in exchange for 2 Azerbaijani hostages held by the Armenian side and to unilaterally return 85-year-old Armenian woman left behind in the combat zone after the retreat of Armenian armed forces.⁹ Armenia rejected or has not responded to these proposals of Azerbaijan communicated through ICRC and OSCE PR CiO. Only after repeated calls from Azerbaijan and with personal engagement of the Minister of Defense of the Russian Federation Sergey Shoygu and assistance from ICRC and the Office of the Personal Representative of the OSCE CiO on the Conflict dealt with by the Minsk Conference, it was possible today to hand over to Armenia unilaterally 30 corps of the Armenian servicemen. One elderly Armenian person was also safely transferred to the Armenian side. Azerbaijani side has hundreds of deceased Armenian servicemen, which we would like to hand over to Armenia immediately and we call on the ICRC and PR CiO to facilitate this.

⁴<https://mod.gov.az/en/news/the-civilian-population-living-in-occupied-territories-is-advised-to-stay-away-from-military-facilities-33280.html>

⁵<https://mod.gov.az/en/news/the-civilian-population-living-in-occupied-territories-is-advised-to-stay-away-from-military-facilities-33280.html>

⁶<https://dtx.gov.az/en/news/information-of-the-state-commission-of-the-republic-of-azerbaijan-on-prisoners-of-war-hostages-and-missing-persons-2.html>

⁷<https://mod.gov.az/en/news/the-civilian-population-living-in-occupied-territories-is-advised-to-stay-away-from-military-facilities-33280.html>

⁸<https://mod.gov.az/en/news/the-civilian-population-living-in-occupied-territories-is-advised-to-stay-away-from-military-facilities-33280.html>

⁹<https://dtx.gov.az/en/news/information-of-the-state-commission-of-the-republic-of-azerbaijan-on-prisoners-of-war-hostages-and-missing-persons-3.html>

Against the background of these humanitarian measures taken by Azerbaijan, Armenia continued its systematic, deliberate and indiscriminate shelling of densely populated cities and areas of Azerbaijan, including after the agreement on humanitarian ceasefire. Attacks on Ganja and Barda cities must be mentioned in particular. Ganja, the second largest and densely populated city of Azerbaijan, located far away from the conflict zone, has been attacked three times. Two of these attacks - on the night of October 11 and October 17 - were launched from the territory of Armenia with the use of SCUD ballistic missiles. The consequences of these attacks have been devastating, causing in total the death of 25 civilians, including women, children and infants, more than 84 civilians have been wounded. Most recently, in the morning of 28 October 2020, Armenia's heinous and so far the deadliest single attack on the city center of Barda with "Smerch" MLRS has left 21 civilians, including children, dead, and more than 70 civilians wounded.

In total, since 27 September 2020, as a result of direct and indiscriminate attacks of the armed forces of Armenia, 90 civilians, including children, women and the elderly had been killed, 392 civilians were had been wounded and some 2406 private houses, 92 apartment buildings and more than 423 other civilian objects had been either destroyed or damaged.

Apparently, the objective of Armenia is to provoke Azerbaijan to respond with attack on military targets in Armenia with a view to involve third countries and expand the geography of conflict. These attacks against civilians provide convincing evidence as to the range, variety and consistency of Armenia's commission of multiple war crimes, including those relating to civilian deaths or injuries, destruction and damage to civilian property.

Civilian casualties reported on the Armenian side from various sources are varying. Since the first cease-fire announcement the Armenian side reported 39 civilian deaths and 120 wounded. Since, the Armenian side for unknown reasons does not disclose the photo evidence of the casualties, nor discloses their names, we are not in position to independently verify those claims. However, to put things in perspective, single missile strike by Armenian armed forces against the city of Barda yesterday killed 21 civilians. Official Armenian statistics of casualties over the month-long period of military operations confirm that these casualties, although unfortunate, are minimal to a large extent due to distinction by Armed Forces of Azerbaijan between military and civilian objects and use of precise weapons.

Hence, we cannot accept the calls to put on equal footing concerns over the civilian casualties incurred by Armenia and Azerbaijan. In fact, such calls pursue the obvious goal to "balance" so to speak the regrettable loss of lives of civilians in the conflict zone killed as a collateral damage of the legitimate counter-offensive operation with the terrorist strikes by the armed forces of Armenia by ballistic missiles against the civilians in densely populated cities of Ganja, Barda, Terter and other locations in Azerbaijan situated far beyond the conflict zone.

According to UNHCR reports number of refugees in Armenia due to the last escalation stands around 10,000 to 20,000 people, while the EU ECHO figures are around 6800. According to the Armenian media sources, some 80 percent of civilians residing in the occupied territories of Azerbaijan has left these territories and moved to Armenia.

These relative figures explicitly demonstrate that total number of civilians of Armenian origin residing in the occupied territories of Azerbaijan before the 27 September was hardly reaching 25,000 persons. This number is far lower than the figure provided by the Armenian side indicated as 150,000.

Thank you, Mr. Chairperson.