

ANNEX

To the EaP CSF Armenian National Platform Statement on the Situation in the South Caucasus Region

Yerevan, January 30, 2021

Annex 1. Brief Reference on the Artsakh Conflict

The military actions against Artsakh, which began on September 27, 2020, were the third war unleashed by Azerbaijan since the collapse of the USSR. Azerbaijan started the first aggressive war against the people of Artsakh in 1988, responding to the peaceful political struggle for the self-determination of the people of Artsakh with mass repressions, “Koltso” Operation carried out with the USSR central authorities, massacres of the Armenian population in Sumgait, Baku and Ganja. The actions of the leadership of Soviet Azerbaijan were obviously aimed at the elimination and/or forced deportation of the Armenian population of Azerbaijan SSR, in which, in fact, they succeeded, and at the time of the collapse of the USSR more than 400,000 Armenians were displaced from their homes, more than 500 people were killed. During the same period 180,000 Azerbaijanis were displaced from Armenia, 25 were killed. Mass killings and displacements of Armenians by Azerbaijan were condemned by the European Parliament in 1988 by a special Resolution¹ adopted on July 7, 1990, and by a group of US senators in their January 18, 1990 letter² to the President of the USSR Gorbachev. Moreover, both the European Parliament and the US senators called on the USSR authorities to withdraw the Nagorno-Karabakh Autonomous Oblast from Azerbaijan and include it in Armenia, substantiating that the pogroms of Armenians in Azerbaijan give grounds to claim that the security of the Armenian population in Azerbaijan cannot be guaranteed.

In 1991, in parallel with the 15 republics becoming independent from the USSR, the people of the Nagorno-Karabakh Autonomous Oblast and Shahumyan region of Azerbaijan declared their independence from Azerbaijan, creating the Republic of Nagorno-Karabakh (Artsakh)³. Immediately after that, the Republic of Azerbaijan launched a military aggression against Artsakh, in fact starting an illegal war against the self-determined people of Artsakh. However,

¹ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOC_1988_235_R_0080_01&from=EN

² https://karabakhrecords.info/english_documents_letter_gorbachev.html

³ <http://president.nkr.am/en/nkr/nkr1/>

Azerbaijan lost the war it started and lost its 7 districts, where the Republic of Artsakh created a security zone to ensure the protection of its people from further aggressive encroachments by Azerbaijan until a peaceful settlement of the Artsakh issue based on international law and norms and the signing of a comprehensive peace agreement with Azerbaijan.

It should be noted that after the occupation of the above-mentioned 7 districts of Azerbaijan by the Armenian forces during the first Artsakh war, the UN Security Council adopted a resolution calling on the parties to immediately cease hostilities, after which the Armenian forces were to withdraw their troops from the occupied regions. Four such resolutions were adopted, and after the adoption of each of them, the Armenian forces ceased hostilities, but these resolutions were not respected by the Azerbaijani forces, which, in particular, was recorded in the fifth paragraph of the UN Security Council November 12, 1993 Resolution No. 884⁴, which literally reads: "Noting with alarm the escalation in armed hostilities as consequence of the violations of the cease-fire and excesses in the use of force in response to those violations, in particular the occupation of the Zangelan district and the city of Goradiz in the Azerbaijani Republic". In other words, the Security Council notes that Azerbaijan violated the ceasefire established by the previous UN Security Council resolutions on the Nagorno-Karabakh conflict, as a result of which it lost another district. Vladimir Kazimirov, the then representative of Russia in the OSCE Minsk Group Co-Chairing, in his memoirs also spoke about the fact that it was Azerbaijan that violated the mentioned resolutions.

Thus, Azerbaijan has lost its 7 districts around Artsakh as a result of its own aggressive war and violation of the UN Security Council resolutions - a war, in which about 30,000 people from the Armenian and Azerbaijani sides were killed (soldiers and civilians), tens of thousands were wounded, as well as hundreds of thousands of Armenians and Azerbaijanis were displaced from their homes⁵. As a result of the Karabakh war, about 350,000 Azerbaijanis (40,000 from Nagorno-Karabakh) were forced to flee their homes after the capture of the seven districts adjacent to Nagorno-Karabakh by the Armenian forces. Thus, the total number of 1988-1994 Armenian and Azerbaijani refugees and internally displaced persons is 930,000, of which 530,000 are Azerbaijanis.

At the same time, the architecture of the Artsakh conflict settlement is not based on the above-mentioned UN Security Council resolutions, moreover, the fact that the UN Security Council 1993 resolutions are no longer considered relevant, clearly derives from the UN SC September 30, 2020 announcement, which not only does not mention the necessity to withdraw Armenian troops from any occupied territory, but also speaks of the need for an immediate ceasefire without preconditions, to which only Azerbaijan and Turkey disagreed. Moreover, in its announcement of September 30, 2020, the UN Security Council did not refer to or mention its 1993 resolutions in any way.

⁴https://ru.wikipedia.org/wiki/%D0%A0%D0%B5%D0%B7%D0%BE%D0%BB%D1%8E%D1%86%D0%B8%D1%8F_%D0%A1%D0%BE%D0%B2%D0%B5%D1%82%D0%B0_%D0%91%D0%B5%D0%B7%D0%BE%D0%BF%D0%B0%D1%81%D0%BD%D0%BE%D1%81%D1%82%D0%B8_%D0%9E%D0%9E%D0%9D_884

⁵ Amnesty International. «Azerbaydzhan: Hostages in the Karabakh conflict: Civilians Continue to Pay the Price», April 1993 (POL 10/01/93), p.9. Human Rights Watch/Helsinki (1994). «Azerbaijan: Seven years of conflict in Nagorno Karabakh». New York: Human Rights Watch. p.6. ISBN 1-56432-142-8.

Thus, the current architecture of the political process for the settlement of the Artsakh conflict is mainly based on the ceasefire protocol⁶ signed between the three parties (Armenia, Nagorno-Karabakh, Azerbaijan) on May 5, 1994 in Bishkek, the trilateral agreement on latter's basis signed on May 12 of the same year, and then on the Madrid Principles with the participation Azerbaijan, agreed in 2007 by Armenia and Azerbaijan. The Mayendorf Declaration, signed by Armenia, Azerbaijan and Russia (the latter as a mediator) in 2008, is an interstate act based on the Madrid Principles⁷. The Madrid Principles were also confirmed by the statements of the Presidents of the three OSCE Minsk Group Co-Chair States (US, France, Russia) in L'Aquila (2009)⁸, Muskoka (2010), Deauville (2011)⁹, Los Cabos (2012)¹⁰ and Enniskillen (2013). Among the three major principles of Madrid, the primary and main principle is the exclusion of the use of force and the threat of force. And only after that, the principle of territorial integrity and the right of nations to self-determination follow. And the fulfillment of the first principle was in no way conditioned by the timing of the implementation of the second and third principles.

However, Azerbaijan kept violating its commitments to exclude the use of force during the settlement of the conflict and for 22 years intensively armed itself, using the money generated from the exploitation of its oil and gas reserves, as well as widely practicing the tactic of bribing high-ranking officials and deputies from the European states and structures, as well as Russia, the so-called "caviar or oil diplomacy" to set ground for a new war. As a result, in April 2016 official Baku again unleashed an aggressive war, during which it managed to capture several hundred hectares of territory in the north and south of Artsakh. The war lasted 4 days and was stopped through the pressure from the international community, the OSCE Minsk Group Co-Chairs and the mediation of Russia. During the war more than 200 servicemen were killed on both sides, several hundred more were wounded. Following the war, the Armenian-populated village of Talish appeared right next to the line of contact and became unsafe to live in, as a result of which most of the villagers left their homes. This circumstance once again justified the existence of a security zone around Artsakh until the final settlement of the issue.

It is noteworthy that being an aggressor, Azerbaijan accused Armenia of violating the ceasefire and inciting hostilities, having previously rejected Armenia's proposals to expand under international auspices the numbers and capacities of the OSCE monitoring mission on the line of contact, which would allow to clearly register which side violated the ceasefire. After the end of the war, in 2016 in Vienna, at the request of Armenia, the OSCE Minsk Group Co-Chairs managed to force Azerbaijan to agree on strengthening the monitoring mission to prevent and monitor ceasefire violations, however, in the following years official Baku thwarted the implementation of those agreements.

Azerbaijan's efforts to place the responsibility for the delay in the conflict resolution on the Armenian sides are groundless. Official Baku has repeatedly rejected the conflict settlement packages proposed by the OSCE Minsk Group Co-Chairs. Thus, the latest proposals of the OSCE

⁶ <http://www.vn.kazimirov.ru/doc9.htm> , <http://www.vn.kazimirov.ru/x013.htm>

⁷ <http://kremlin.ru/supplement/232>

⁸ <https://www.osce.org/mg/51152>

⁹ <http://kremlin.ru/events/president/news/11356>

¹⁰ <http://kremlin.ru/events/president/news/15694>

Minsk Group, which had previously been agreed with the parties (Kazan Resolution of the Madrid Principles), were rejected at the last moment in Kazan by the President of Azerbaijan Aliyev. Prior to that, Aliyev's father had rejected the "package deal" in 1997, then the "Common State" package proposed in 1999 by the Minsk Group Co-Chairs, and finally the settlement package of Key West in 2001.

Not having been sanctioned by the international community for its aggressive actions, breach of its commitments and regular sabotage of the peace process aimed at the settlement of the Nagorno-Karabakh conflict, Azerbaijan continued its adventurous and belligerent policy in 2020 and on September 27, 2020 with the political patronage and direct military engagement of Turkey, with the involvement of jihadist mercenaries from northern Syria and other countries, launched a large-scale war against Artsakh. By doing this, Azerbaijan not only destroyed the status quo, but also tried to demolish the entire legal architecture of the political process for the settlement of the Artsakh conflict, violating its fundamental commitment not to use force. By the way, when becoming a member of the UN, every state also undertakes an obligation to resolve conflicts and disputes peacefully. Taking into consideration the recurrence of the threat to the existence of the people of Artsakh for the third time in the last 30 years, the bombing of peaceful settlements, whose purpose was nothing but the elimination and (or) displacement of the population of Artsakh, both Armenia and the international community have received legitimate right to recognize Artsakh's independence.

Azerbaijan had been preparing for this war for 26 years, equipping its army with all possible modern offensive weapons from Russia, Belarus, Israel, the Czech Republic and Pakistan. Over the past 10 years, Azerbaijan's military budget has exceeded Armenia's military budget by five to six times, and it was more than Armenia's entire state budget. The President of Azerbaijan Aliyev and the military leadership of Azerbaijan have not hidden their intention of "solving" the Karabakh conflict by military means, having repeatedly stated that. It should be remembered that such a large-scale attack by several army corps all across the Nagorno-Karabakh Republic, which took place on September 27, could not have been organized in a day or two "in response to a provocation by the Armenian side," as Aliyev was trying to present it.

Moreover, they chose the period when the OSCE ceasefire monitoring mission had temporarily returned to Europe since April 2020 due to the COVID-19 pandemic, so it could not record the large accumulation of military equipment and manpower and announce about an impending attack from Azerbaijan. This was the period when the UN Secretary General had called for a global ceasefire in March 2020, and in June the UN had passed a relevant resolution, while Armenia was struggling to overcome the most difficult stage of COVID-19. Finally, the hostilities started following an unprecedented joint Azerbaijan-Turkey military drills, after which not only had a large Turkish contingent remained in Nakhchivan, but at least six Turkish F-16 fighter jets had been deployed in Ganja, as evidenced by photos published by the New York Times and other authoritative sources. In addition, just two weeks before the start of the war, a number of Arab media reported the transfer of large numbers of jihadist mercenaries from Turkish-controlled northern Syria, which was later confirmed not only by leading Western media but also by leaders and/or high-ranking officials - from OSCE Minsk Group Co-Chair States Emanuel Macron,

President of France, Sergei Naryshkin, Head of Russia's Foreign Intelligence Service, as well as the leaders of Iran and Syria. The same was reported by SkyNews quoting its Pentagon sources.

The 44-day military aggression ended on November 10, 2020 with a statement imposed on Artsakh, signed by Armenia authorized to represent the interests of Artsakh. Although the document provided for a ceasefire, it did not mention guarantees of the status of Artsakh and of fully ensuring the right to self-determination and security of the Armenian population of Artsakh as reflected in the Madrid Principles. According to preliminary data, as a result of war more than 10,000 people were killed on both sides, including up to one hundred civilians. Most of the 140,000 population of Artsakh (more than 93,000 people) were displaced, less than half of whom have returned. Among those displaced about 31,000 are from the areas that passed under Azerbaijani control and where the return of Armenians became impossible until international peacekeeping forces are deployed there, as envisaged by the Madrid Principles. Another part of the Armenian population of Artsakh does not return either, as they have lost the minimum living conditions as a result of the shelling /bombardment of civilian infrastructure, or they have lost the sense of security because of becoming residents of borderline areas.

At the same time, Azerbaijan, violating the commitments undertaken in the November 10, 2020 Statement, refuses to return the Armenian captives, whose number is estimated at 100-200. The fate of the hundreds of missing remains unclear, and Azerbaijan continues to artificially impede the search for these people as well as for the bodies of the victims with an apparent purpose of inflicting mental suffering on the relatives of the captives and those missing, influencing the continuation of the disturbed sense of security among the people and preservation of internal political tension in Armenia and Artsakh.

In the 24th paragraph of its January 20, 2021 Resolution¹¹ on the annual report on the “Implementation of the Common Foreign and Security Policy” the European Parliament expresses its concern over the change in the status quo by force, strongly condemns the killing of civilians and destruction of civilian facilities and places of worship, condemns the use of cluster munitions in the conflict and stresses that a lasting settlement still remains to be found and that the process of achieving peace and determining the region’s future legal status should be led by the Minsk Group Co-Chairs and founded on the group’s Basic Principles, highlights the urgent need to ensure that humanitarian assistance can reach those in need, that the security of the Armenian population and its cultural heritage in Nagorno-Karabakh is ensured, and that internally displaced persons and refugees are allowed to return to their former places of residence, and calls for all allegations of war crimes to be duly investigated and those responsible to be brought to justice, calls on the EU to be more meaningfully involved in the settlement of the conflict and not to leave the fate of the region in the hands of other powers.

In the 13th paragraph of another January 20, 2020 Resolution¹² on the annual report on the “Implementation of the Common Security and Defense Policy” the European Parliament expresses concern over the military involvement of third countries in the conflict and notably

¹¹ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0012_EN.html?fbclid=IwAR2RiXwpp-u7TSaw9hZ3csMDHx27az4gVUGVvegjoraYls76vHBzZMS_C_s

¹² https://www.europarl.europa.eu/doceo/document/TA-9-2021-0013_EN.html?fbclid=IwAR3HoOLpaivLuu9ce14rgG4p54p_uzl439Sq2b2MKIH-T1otPQzTvuOxUAY

the destabilising role and interference of Turkey, calls for an international investigation into the alleged presence of foreign fighters and use of cluster munitions and phosphorous bombs, calls on the European Union and international bodies to ensure that there is no impunity for war crimes in Nagorno-Karabakh and for the use of prohibited weapons in the Nagorno-Karabakh conflict, also insists on the need to allow humanitarian aid to get through, to proceed without delay with the exchange of prisoners and casualties, and on the need to preserve the cultural heritage of Nagorno-Karabakh.

Annex 2. Genocide emergency alert on the War in Artsakh (Nagorno-Karabakh) <https://www.genocidewatch.com/single-post/genocide-emergency-alert-on-the-war-in-artsakh-nagorno-karabakh>

Annex 3. Report of the Human Rights Defender of Armenia on ensuring the rights of persons displaced from Artsakh to Armenia

<https://www.ombuds.am/images/files/c60669258581681d37b5ddd34ee8436c.pdf?fbclid=IwAR26R9hKCpwFrSEac21vDzHdNy-ikPOmQZLu1CZNyzCgYFb2BQnHTP4MCoA>

Annex 4. Ad Hoc Report of the Human Rights Defender of Armenia on fact-finding activities in villages of Gegharkunik province of Armenia damaged by Azerbaijani military attacks

https://www.ombuds.am/images/files/ff7396ae7e860c201bbfd6f410fef5a4.pdf?fbclid=IwAR33V8otmjFWCj7YVC0WZgY0Q4XdhBxrYqAB66xKxgWMG9cp_NLSkpV29-c

Annex 5. Ad Hoc Report of the Human Rights Defender of Armenia on Azerbaijani drones' targeted attacks of against peaceful population of Armenia and Artsakh in grave breach of international law

https://ombuds.am/images/files/de3634c257bb698735db318a33f280bf.pdf?fbclid=IwAR0NbfArhE8qybKbRbgfuO7n2EWzkMNCi4Xdo1sd_ZPcJ0Xe4h-9MbOEzkl

Annex 6. Interim Report on the cases of the killing of civilians in Artsakh by the Armed Forces of Azerbaijan (updated on January 28, 2021) <https://www.artsakhombuds.am/en/document/785>

Annex 7. Ad Hoc Public Report on the Armenian cultural heritage in Artsakh (Nagorno-Karabakh): Cases of vandalism and at risk of destruction by Azerbaijan <https://www.artsakhombuds.am/en/document/792>

Annex 8. Ad Hoc Public Report on the Azerbaijani attacks on journalists covering hostilities In Artsakh (Nagorno-Karabakh) <https://www.artsakhombuds.am/en/document/783>

Annex 9. Ad Hoc Public Report on organized hate speech and animosity towards ethnic Armenians in Azerbaijan as root causes of ethnically based torture and inhuman treatment by Azerbaijani Armed Forces <https://www.artsakhombuds.am/en/document/780>

Annex 10. Ad Hoc Report on the children rights affected by the Azerbaijani attacks against the Republic of Artsakh (Nagorno-Karabakh) <https://www.artsakhombuds.am/en/document/766>

Annex 11. Ad Hoc Public Report on the use of incendiary ammunition of mass destruction (incendiary weapon) against civilian objects of Artsakh (Nagorno-Karabakh) by the Azerbaijani Armed Forces <https://www.artsakhombuds.am/en/document/761>

Annex 12. Ad Hoc Public Report on the Azerbaijani targeted attacks against the St. Holy Savior Ghazanchetsots Cathedral of Shushi, Artsakh (Nagorno-Karabakh) as a war crime and crime against humanity <https://www.artsakhombuds.am/en/document/740>

Annex 13. Updated Edition of the Second Interim Report on the Azerbaijani atrocities against the Artsakh population in September-October 2020
<https://www.artsakhombuds.am/en/document/735>

Annex 14. Interim Report on the Azerbaijani atrocities against the Artsakh population in September 2020 <https://www.artsakhombuds.am/en/document/722>