



CE-017/21

Strasbourg, 26 April 2021

Dear Commissioner,

I am instructed to respond to your letter addressed to the President of the Republic of Azerbaijan on 20 April 2021.

Given the stated interest of the Commissioner in “human rights-related developments following the conflict between Armenia and Azerbaijan in recent months”, it should be emphasized that the conflict has lasted for almost 30 years, caused enormous humanitarian sufferings and accompanied by massive violations of human rights of the hundreds of thousands of Azerbaijanis. Yet, all these sufferings and violations have been left unnoticed by the current Commissioner as well as her predecessors, under the pretext that they fall outside the Commissioner’s mandate.

The war that started on September 27, 2020 with deliberate attacks of Armenia on residential settlements was imposed on Azerbaijan. By committing series of military and political provocations, including threatening Azerbaijan with “the new war for new territories”, the political-military leadership of Armenia rendered the negotiations for a peaceful settlement of the conflict meaningless, undermined the negotiation process and started a new act of aggression against Azerbaijan. Thus, Armenia bears the full responsibility for the consequences of the war, including its defeat.

The ensuing liberation of the Azerbaijani lands has revealed horrific scale of destruction inflicted by Armenia on these territories during the years of illegal occupation. As part of a deliberate policy, hundreds of historical monuments, dozens of museums, mosques and cultural heritage sites were destroyed, looted and vandalized. Images and videos depicting disgraceful treatment of holy sites, where old mosques in the occupied territories were desecrated and transformed into a pigsty are unfortunately in abundance. The scale of devastation in the city of Aghdam is so massive that it has now been called as "Hiroshima of Caucasus".

Ms. Dunja Mijatović
Commissioner for Human Rights
Council of Europe

Besides that during the course of the 44-day war, in a blatant violation of international humanitarian law, Armenia committed series of horrific war crimes. Shelling with ballistic missiles of densely populated residential areas of Ganja and Barda, as well as other cities of Azerbaijan located far from the frontline resulted in killing of more than hundred innocent civilians.

Again, all these revolting facts were regrettably ignored by the Council of Europe's Commissioner for Human Rights. And no one can claim that these matters directly impacting life and rights of the civilian population go beyond the Commissioner's mandate.

Even now, when the conflict is over, Armenia continues its destabilizing actions. For instance, despite our repeated calls, Armenia refuses to share the maps of the territories planted with deadly mines, thus putting under threat life and safety of both military and civilians. It also affects the realization of the inalienable right of the hundreds of thousands of internally displaced persons to return to their homes in safety and dignity.

Against this background, now when Azerbaijan single-handedly implemented relevant United Nations Security Council Resolutions 822, 853, 874 and 884 of 1993, thus ensuring its victory and restoration of justice, the Commissioner has started to show close interest in politically-charged issues, suddenly forgetting restrictions imposed by the respective "mandate". This is another sign of double-standard and selective approach, which Azerbaijan has been often subjected to by different Council of Europe bodies.

The reconciliation and dealing with the past, to which the Commissioner refers to so enthusiastically necessitates proper dealing with the past crimes. It means that justice should be fully served to all those that have fallen victim to past wrongdoings. This includes bringing the perpetrators to justice and ensuring proper redress and remedy measures, as well as remembrance and commemoration. These are essential elements of post-conflict reconciliation, which have been widely recognized as such at the international level.

The attempt to depict the conflict between Armenia and Azerbaijan as an "inter-ethnic hostility" or "bitter relations between the ethnic communities residing in and around Nagorno Karabakh" is a gross misinterpretation. The conflict was unleashed by Armenia on the basis of its groundless territorial claims against Azerbaijan and accompanied by heinous crimes, including acts of genocide, ethnic cleansing, other crimes against humanity as well as the most serious war crimes.

Furthermore, the Commissioner should be reminded that currently there is no "ethnic community", as was referred to in her letter, residing "in and around Nagorno Karabakh" other than ethnic Armenians, due to notorious practice of ethnic cleansing. The Parliamentary Assembly of the Council of Europe (PACE) in its resolution 1416 (2005) expressed its concern over "mass expulsion of population

and creation of mono-ethnic areas, which resemble the terrible concept of ethnic cleansing”.

On a particular note, it should be underlined that such references as “in and around Nagorno Karabakh” question the territorial integrity of the Republic of Azerbaijan, and thus, are utterly unacceptable.

Commissioner’s “regret” over the inauguration of the Military Trophy Park in Baku is equally unsubstantiated. The Trophy Park symbolizes the triumph of international law and justice over the decades-long policy of aggression and ethnic cleansing. Immortalizing victory in the war for freedom, sovereignty and territorial integrity is a practice widely applied by many nations, including across the Council of Europe region. The Park like its analogies in other corners of the world will serve as a stark reminder that racism, discrimination and intolerance have no chance to succeed. This is a place for education for the present and future generations on the dangers of policy of aggression and intolerance, and provides the venue for seeking the truth.

“Dehumanizing scenes” or “disturbing and humiliating images” need to be looked for in other places across the Council of Europe area, where nations glorify their colonial past and demonstrate evidence of horrific crimes against the colonized peoples.

The park demonstrates the military equipment of Armenia seized in the internationally recognized territory of Azerbaijan. These armaments were used to kill Azerbaijani soldiers fighting for territorial integrity of their country and Azerbaijani civilians alike, as well as for the purpose of destructing properties of Azerbaijanis and their cultural heritage. The trophies in the park had been used for years to sustain the occupation of the territories of Azerbaijan. This prevented the return of Azerbaijanis to their homes and enjoyment of their other rights enshrined, *inter alia*, in the European Convention on Human Rights, which the Commissioner is entrusted to uphold and promote.

As such, the Park should be seen as a means to memorize and commemorate the sufferings of all victims of Armenia’s aggression. This also includes thousands of Armenians, including military servicemen that for years have been forced to serve to aggressive purposes of successive governments of Armenia, who were instrumentalized for committing war crimes against the civilian Azerbaijanis, and at the same time being subject to inhumane and degrading behavior in the hands of their superiors.

In view of the above-mentioned, it is not a coincidence that Armenia started massive campaign against the inauguration of the park with the intention to divert the attention of the international community from inhumane acts and crimes that become so clear.

The reference to ECRI statement in the letter is misplaced. The Commissioner should rather refer it to the authorities of Armenia, since Armenia has been for years acting against all the values and principles of the Council of Europe by practicing

notorious racist “tseghakronism” ideology built upon hatred towards other nations, particularly Azerbaijanis and Turks, and by openly glorifying its infamous founder, a Nazi-criminal Garegin Nzhdeh. A clear manifestation of such a policy was the statement by the then President of Armenia R.Kocharian that “Armenians and Azerbaijanis are ethnically incompatible”.

War criminals and convicted terrorists, such as Monte Melkonian have been glorified at the state level by successive Armenian governments, without exception, for their heinous crimes committed against Azerbaijani civilians and praised as role-models for the Armenian youth.

During the latest armed hostilities, high-level Armenian officials made ultra-racist references vis-à-vis Azerbaijanis as a nation, calling all Azerbaijanis as “nomadic and barren tribe”, and presented the conflict as “civilizational front line”. Of particular relevance is to remind the notorious call by Ms. Naira Zohrabyan, who up to now enjoys the privilege of being a member of the PACE, for a strike on the Mingachevir reservoir, besides orders given by the political-military leadership of Armenia to attack Ganja and other major cities of Azerbaijan.

Unfortunately, five months after the end of the war, a worrying level of manifestation of hatred and Azerbaijanophobia is still observed in the Armenian society. It is disturbing to see that anyone who dares to speak about reconciliation and peaceful coexistence with Azerbaijan is treated as “traitor” and called "Azerbaijani" and “Turk”, as denigrating slurs. Moreover, irresponsible and dangerous ideas of revanchism and intolerance are propagated at the state level, and regrettably, shared across the whole political spectrum in Armenia.

All these reprehensible developments have since remained however unnoticed by the Commissioner, including the fact that the Armenian authorities have failed to take any punitive step against any Armenian official for his/her racist approach towards Azerbaijan and Azerbaijanis. The public of Azerbaijan is not aware of any step taken by the Commissioner in respect of such blatant manifestations of intolerance, racism and discrimination by Armenian officials.

It should be also reminded that Azerbaijan has been for centuries a home for different ethnic and religious groups which have been living in the country in harmony, mutual respect, tolerance and peace as one family. Azerbaijan enjoys strong track record in terms of promotion of inter-cultural and inter-religious tolerance. This has been for many years a way of life of the people of Azerbaijan guaranteeing the peaceful co-existence of different ethnicities and religions in the country. Today, such a proud history of Azerbaijan provides the strong basis of the Government’s consistent steps both at home and abroad to promote tolerance and understanding.

The Government of Azerbaijan is unwavering in its determination to ensure the equal enjoyment of human rights and freedoms by all of its citizens irrespective of their ethnic or religious affiliation.

Azerbaijan at the highest political level has repeatedly expressed its resolve to reintegrate its citizens of Armenian origin on an equal footing based on its Constitution. The statements made in that respect, including at the time when the peaceful cities of Azerbaijan became subject to deliberate missile and artillery attacks of Armenia needs to be heard not only by Armenia, but also by relevant international institutions, including the Council of Europe.

The entire international community should take steps with a view to ensuring that such a determination and good will of Azerbaijan is duly reciprocated by Armenia and its officials.

Since the conflict between Armenia and Azerbaijan has ended, Azerbaijan now stands for normalization of relations with Armenia on the basis of mutual recognition of and respect for each other's sovereignty, territorial integrity and inviolability of internationally recognized borders. While being determined to properly deal with the past in order to ensure that justice is fully served, Azerbaijan is looking into the future and extends its hand to Armenia for the establishment of normal inter-state relations on the above-mentioned basis.

In conclusion, it should be emphasized that the letter of 20 April 2021 casts doubt on independence and impartiality of the Commissioner's work, and it might adversely impact on the relations between the Commissioner's office and Azerbaijan. Moreover, the very fact of the letter being very far from an impartial appeal clearly runs against the stated noble goal of "promoting peace and reconciliation". On the contrary, it emboldens revanchist circles risking the fragile process of establishing good-neighborly relations in the region.

Azerbaijan strongly urges the Commissioner to remain impartial as requested by her mandate and refrain from actions and statements that negatively affect the authority and reputation of the Council of Europe.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Fakhraddin Ismayilov', written in a cursive style.

Fakhraddin Ismayilov
Permanent Representative