



# General Assembly Security Council

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Agenda items 15, 34, 70, 71, 72 and 135

**Culture of peace**

**Prevention of armed conflict**

**Elimination of racism, racial discrimination, xenophobia  
and related intolerance**

**Right of peoples to self-determination**

**Promotion and protection of human rights**

**The responsibility to protect and the prevention of genocide,  
war crimes, ethnic cleansing and crimes against humanity**

**Security Council  
Seventy-sixth year**

## **Letter dated 6 May 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith a letter from the Minister for Foreign Affairs of the Republic of Artsakh (Nagorno-Karabakh Republic), David Babayan, regarding the forced evictions of the Armenian population of the city of Shushi and destruction of their residential buildings, as well as cultural and religious heritage in the territories of Nagorno-Karabakh occupied by Azerbaijan in the aftermath of its military aggression unleashed on 27 September 2020 (see annex).

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda items 15, 34, 70, 71, 72 and 135, and of the Security Council.

*(Signed)* Mher **Margaryan**  
Ambassador  
Permanent Representative



**Annex to the letter dated 6 May 2021 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General**

**Letter dated 5 May 2021 from the Minister of Foreign Affairs of the Republic of Artsakh addressed to the Secretary-General**

I am writing to you regarding Azerbaijan's policy of forced evictions in relation to the Armenian population of the town of Shushi, which was displaced from its homes as a result of an aggression launched by Azerbaijan against the Republic of Artsakh in September 2020 with the direct support and involvement of Turkey and Turkish-backed foreign terrorist fighters. During the 44-day military aggression against Artsakh, Azerbaijan heavily shelled the town of Shushi despite the fact that there was no military objective in the town – a fact subsequently confirmed by United Nations independent experts.<sup>1</sup> As a result of Azerbaijan's occupation of the town, the entire Armenian population has been displaced, and most people had no opportunity even to take the most necessary belongings with them. More than six months after this forced displacement, the Azerbaijani authorities not only continue to refuse Armenians access to the town, but they also launch campaigns aimed at the mass destruction of their property. Video materials circulating on social media show the destruction of a residential apartment complex in Shushi belonging to Armenians; it should be noted that the apartment complex was not damaged by Azerbaijan's shelling of Shushi and was still standing and functional at the end of the active hostilities. The complex had 52 residential apartments, where 211 people (including 20 children and 41 elderly) lived until Azerbaijan's military aggression. There is extensive evidence of the destruction of still other apartment buildings carried out by Azerbaijani authorities in Shushi.

Azerbaijan's destruction of the apartment buildings of the Armenian population of Shushi manifests forced eviction, as defined by the Committee on Economic, Social and Cultural Rights in general comment No. 7 (1997) on the right to adequate housing, which states that it is "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection".

Furthermore, the forced evictions carried out by Azerbaijan in Shushi violate, directly and indirectly, the full spectrum of civil, cultural, economic, political and social rights of the Armenian population enshrined in numerous international instruments, including the right to life; the right to freedom from cruel, inhuman and degrading treatment; the right to security of the person; the right to an adequate standard of living, including the right to adequate housing; the right to freedom of movement; the right to choose one's residence; the right to an effective remedy; and the right to property.

The forced evictions in relation to the Armenian population in the town of Shushi, and the refusal to give Armenians access to their homes, are components of a patently discriminatory policy of Azerbaijan against ethnic Armenians and implemented with the direct purpose of impairing or nullifying the recognition, enjoyment and exercise of human rights by the Armenian population of the town of Shushi.

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<sup>1</sup> "Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur in the field of cultural rights; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment", 2 February 2021. Available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25857>.

Azerbaijan's destruction of the apartments of Armenians, Armenian cemeteries and religious monuments with meticulousness and premeditation<sup>2</sup> in the town of Shushi, and other occupied territories of Artsakh, and displacement of Armenians from their homes – practices which alter the ethnic, religious or racial composition of the population, manifest as collective punishment and involve the coerced and involuntary displacement of people from their homes, lands and communities – constitute forced evictions and are prohibited by international human rights law,<sup>3</sup> international humanitarian law<sup>4</sup> and, in the context of armed conflict, may even amount to war crimes.<sup>5</sup>

Article 7 of the Rome Statute states that deportation or forcible transfer of population is a crime against humanity “when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack”. Forced evictions of Armenians from their properties currently under occupation by Azerbaijan and the displacement of the entire Armenian population of Shushi, Hadrut and other occupied territories form a part of Azerbaijan's long-standing policy of extermination and persecution of the Armenian population in Artsakh in order to suppress the right to self-determination of the people of Nagorno-Karabakh by force. Forced deportations of Armenians from Azerbaijan in the late 1980s and early 1990s, accompanied by mass murders and violence, the military aggression against Artsakh in 1991–1994, in April 2016 and finally in September 2020, accompanied by numerous cases of war crimes, as well as massive hate speech and hate incitement against Armenians during the past 30 years,<sup>6</sup> are part of Azerbaijan's State policy of violence against the Artsakh population.

The policy of forceful reshaping of the historical, cultural and architectural landscape in the occupied territories of Artsakh is a blatant form of discrimination and xenophobia.

The international community should stand against Azerbaijan's unabated crimes against humanity committed against the people of Artsakh. Any activity by Azerbaijan in the occupied territories of the Republic of Artsakh, undertaken against the norms and principles of international law and in order to consolidate consequences of unlawful use of force against the self-determination of the people of Artsakh, should not be tolerated and should be condemned outright by the international community.

We hereby invite the Secretary-General to take appropriate measures to activate the United Nations international legal toolkit in a directed effort to gain unimpeded access of international specialized agencies to Artsakh to address these devastating and ongoing violations.

*(Signed)* David Babayan

<sup>2</sup> Letter dated 26 January 2021 from the Minister for Foreign Affairs of the Republic of Artsakh to the Secretary-General regarding the fate of Armenian cultural and historical heritage ([A/75/739-S/2021/124](#), annex).

<sup>3</sup> Human Rights Council, “Basic principles and guidelines on development-based evictions and displacement” ([A/HRC/4/18](#), annex I), para. 5; Guiding Principles on Internal Displacement ([E/CN.4/1998/53/Add.2](#)).

<sup>4</sup> Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949), art. 53; First Additional Protocol to the Geneva Conventions of 1949, art. 54; Protocol II Additional to the Geneva Conventions of 1949, art. 14.

<sup>5</sup> Rome Statute, art. 8 (2) (b) (viii).

<sup>6</sup> Artsakh Ombudsman interim public report on “Armenophobia in Azerbaijan: organized hate speech and animosity towards Armenians”, available at <https://artsakhombuds.am/en/document/570>; see also “Organized hate speech and animosity towards ethnic Armenians in Azerbaijan as root causes of ethnically based torture and inhuman treatment by Azerbaijani armed forces”, available at <https://artsakhombuds.am/en/document/780>.