

1) **What are the main challenges to maintaining and strengthening international peace and security at the global level, for instance in relation to needed structural reforms of United Nations organs, global disarmament, the realization of the right to peace, accountability, etc.?**

Considering current developments and transformations in the world, the role of UN organs in maintaining and strengthening the international peace and security shall be properly addressed, as the political, military, economic, ecological and social environment in which the UN operates today has changed considerably and continues to evolve.

Presently the range of global threats and challenges to international peace and security is multifold and includes, *inter alia*, threats from poverty, disease, and environmental degradation (the threats to human security), threats from conflict between states, threats from violence and massive human rights violations within states, threats from terrorism, organized crime, threats from the proliferation of weapons - particularly WMD.

As regards conflicts, in particular inter-state ones, Chapter VI of the Charter of the United Nations requires parties to any dispute that threatens international peace and security to negotiate or use other peaceful means to resolve their conflict. While the organization has ensured that no world war has taken place since its formation, however the criticism of UN capacity to deal with issues related to international peace and security has increased, which can be explained in relation to its modes of operation.

Today we are witnessing the looming demise of the security architecture which certainly has not started just recently, during the last couple of months. We felt the shatter of multilateralism, the crack of international institutions and disrespect for fundamental rules less than two years ago when Azerbaijan, abandoning the peaceful negotiations and violating the principle of non-use of force, unleashed a war against Nagorno Karabakh and its people. The right to self-determination has been one of the main purposes of the United Nations and use of force against this right can trigger an entire chain of human rights violations including mass atrocities and ethnic cleansing. This is something we observe during and after the war initiated by Azerbaijan.

The military aggression in September-November 2020 was the practical display of the continued Azerbaijani intention to seek a military solution to the Nagorno Karabakh conflict, to use force. Azerbaijani authorities were threatening to use force very consistently over past years, which was combined with a bellicose rhetoric. Both Armenia and Nagorno Karabakh have always been very explicit in that there is no alternative to the peaceful settlement of the conflict.

There are undeniable facts that it is Azerbaijan who initiated this aggression. For years Azerbaijan has consistently violated the 1994-1995 agreements on the establishment of ceasefire regime, which have no time limitation, has been rejecting the proposals of the OSCE Minsk Group Co-Chairmanship on

introducing investigation mechanisms of ceasefire violations and the strengthening of the ceasefire monitoring, thus retaining the possibilities of the use of force.

On 23 March 2020, the UN Secretary-General issued an urgent appeal for a global ceasefire in all corners of the world, by emphasizing that people suffering in conflict zones are particularly vulnerable to the pandemic. The UN High Commissioner for Human Rights also underscored the direct threat of wars during the pandemic to public health and lives. In July 2020, the UN Security Council adopted Resolution S/RES/2532 (2020) and expressed grave concern about the devastating impact of the COVID-19 pandemic across the world, especially in countries ravaged by armed conflicts, or in post-conflict situations, or affected by humanitarian crises. It recognized that conditions of violence and instability in conflict situations can exacerbate the pandemic, and that inversely the pandemic can exacerbate the adverse humanitarian impact of conflict situations. Thus, the Security Council demanded a general and immediate cessation of hostilities in all situations, called upon all parties to armed conflicts to engage immediately in a durable humanitarian pause. 180 countries, regional organizations, civil society groups, peace advocates and millions of global citizens have also endorsed the ceasefire call.

Despite all this, Azerbaijan launched a wide-scale aggressive war against Nagorno Karabakh during the global pandemic, in opposition to a call for global ceasefire by the UN Secretary-General and the demand of the UN Security Council for a general and immediate cessation of hostilities in all situations. The aim was to create an epidemiological disaster in Nagorno Karabakh, accelerate the rapid spread of the deadly virus, to achieve the eventual collapse of the health care system, causing increased deaths, other serious injuries and great sufferings to the population. This offensive policy was accompanied with the use of banned weapons against civilians and civilian infrastructure, use of explosive weapons in populated areas and mass displacement of the population, further deteriorating the pandemic situation.

The Azerbaijani armed forces attacked more than 130 civilian objects, including densely populated ones, as well as schools, kindergartens, maternity hospital, with aerial, artillery, rocket and tank fire strikes and cluster munitions, most of which were targeted or indiscriminate, killing and injuring civilians. In the cases of indiscriminate attacks, the Azerbaijani forces failed to abide by the obligation to distinguish between military targets and civilians. Nor did they take feasible precautions to minimize harm to civilians. In many cases, attacking the civilians was targeted and intentional, since military targets were located very far from the civilian objects. The absence of military targets in the vicinity of attacks further confirms their deliberate nature, which amounts to a war crime.

Actions were carried out by Azerbaijan also against the sovereign territory of the Republic of Armenia, targeting the civilian population and non-military infrastructure, as a result of which there were casualties among the Armenian population, as well as serious material damages to the housing stock and social institutions.

Attacks on journalists by Azerbaijani forces occurred in several instances, in violation of Article 79 of Protocol I of the Geneva Conventions, which states that journalists engaged in professional work in war zones “shall be considered as civilians” and “shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians.”.

Among a number of war crimes against civilians of Nagorno Karabakh, there were a number of severe violations recorded against tangible and intangible cultural heritage, including religious. During the months of the war and nowadays videos and photos made by Azerbaijani soldiers being proud of fully “taking revenge” from the historical monuments, cross stones, memorials across the territories of Azerbaijani appearance in Nagorno Karabakh, are numerous. Azerbaijanis express particular aggression against those historical monuments that have Armenian inscriptions or crosses.

Though a number of specialized international organisations have made statements condemning and calling on the importance of the protection of the cultural heritage by referring to the UN Resolution 2347 on the protection of the cultural heritage located in the conflict zones adopted in 2017, we still witness gross violations as against humans, particularly war prisoners, so the religious and cultural heritage of the Armenians of Nagorno Karabakh, which can be referred to as the Cultural Genocide, the aim of which is to erase the historical traces of the memory of the annihilated indigenous population. Therefore, today it is imperative to save the thousands of cultural, including religious monuments under the Azerbaijani control in Nagorno Karabakh.

Azerbaijan, as a state party to the Geneva Conventions is obliged to take all the measures under the mentioned treaties to secure all rights provided for both prisoners of war and civilian persons. Moreover, those norms also constitute part of customary international law and must be abided by as part of general international law. However, contrary to its obligations under IHL norms Azerbaijan and its agents have been engaged in violent and inhuman treatment of those captured.

Unjustifiable delay in the repatriation of prisoners of war or civilians also constitutes a grave breach of IHL. The regime of IHL persists and applies with respect to both civilians and combatants that have been kidnapped or taken hostage by the Azerbaijani forces after the November 9 Statement of 2020. The captivation of civilians can also qualify as enforced disappearance which is prohibited under customary international law.

Currently, Azerbaijan has confirmed holding of only 38 Armenian prisoners of war and captive civilians (out of 38 persons 35 are servicemen, and 3 are civilians). All these people have been sentenced to various years of imprisonment according to the decisions made by the Azerbaijani court.

The criminal cases against the captured Armenians have no legal basis and contradict international legal norms. The fundamental right to a fair trial is violated. The whole process of criminal prosecution based on fabricated charges and accusations against prisoners of war and civilian captives is accompanied by the violation of the fundamental right to a fair trial. Armenian prisoners of war and

civilians taken hostage are subjected to torture and ill-treatment. Numerous cases of killing of captives and enforced disappearances have been recorded.

The provisional measures put forward by the International Court of Justice on December 7, 2021 which instruct Azerbaijan to cease racist and discriminatory policies against Armenians including destruction and vandalism of the Armenian cultural heritage should be unconditionally implemented. These measures come to prove the anti-Armenian policies of Azerbaijan including its bellicose rhetoric, depriving the people of their means of subsistence, constantly terrorizing Armenian population and threatening with new use of force.

Azerbaijan continues to put a siege on Nagorno Karabakh impeding the access of the international humanitarian organizations, including those who requested a fact-finding mission to determine the state of cultural heritage. The UN and its bodies have been bestowed with a universal mandate to enjoy unconditional, unimpeded, unhindered access to the people in need, wherever they are and in all circumstances. Thus, the international community, and in particular UN, has to assume responsibility for ensuring unconditional access to the whole territory of Nagorno Karabakh.

The UN Special Procedure Mandate Holders issued several communications to Azerbaijan raising questions with regard to the use of mercenaries, extrajudicial executions, arbitrary detentions, enforced disappearances, destruction of religious and cultural heritage in the context of the Nagorno Karabakh conflict. Azerbaijan declined to give a proper response to these communications, in a sheer defiance to the UN Human rights machinery.

The impunity leads to new violations. Apart from Nagorno Karabakh, Azerbaijan continues its policy of human rights abuses now on the borderline areas of the Republic of Armenia, wherein the civilian population suffers from constant provocative actions of armed forces of Azerbaijan. This aggressive policy is accompanied by the overt violations of international humanitarian law.

Overall, the international reaction to Azerbaijan's war crimes in Nagorno Karabakh has been largely inactive and even indifferent. Generic calls on both sides under the circumstances when Armenia makes credible steps towards peace, while Azerbaijan continues the escalation of the situation, may indicate indifference and lack of commitment from our international partners. If we want to reach stability in the region then there is no other way for the international community than being frank on these issues, without applying double standards.

## **2) What solutions to you deem necessary to overcome those challenges?**

Security sector governance has been a key element on the UN agenda to sustain peace and prevent the outbreak, escalation, continuation and recurrence of conflicts. On 3 December 2020, the UN Security Council unanimously adopted resolution 2553, reaffirming the importance of security sector reform in

peacebuilding, and sustaining peace, including conflict prevention and in the stabilization and reconstruction of States in the aftermath of conflict. One of the solutions to overcome the challenges to maintaining and strengthening international peace and security may be the security sector governance reform, which may, however, be a complex and long-term endeavor.

The UN conflict risk assessment mechanism in terms of an early detection of a worsening situation might be improved as the risk assessment is a strong tool to identify significant risks in order to integrate risk management measures or enhance and adjust responses - and response planning - accordingly.

The deteriorating human rights practices and non-observance of internationally recognized human rights standards, lack of progress in ensuring greater democracy in Azerbaijan were the clear signals of the impending instigation of the war by the latter. Proper addressing of human rights violations as potential precursors of atrocity crimes and conflict shall be duly in place for conflict-affected areas, states engaged in the conflict or being at risk of a potential involvement. Human rights violations are often the clearest indications of a looming conflict. A comprehensive and common analysis of the human rights situation and conflict drivers will enable the Organization to take system-wide actions to prevent greater violations from occurring.

The revision of UN-specific post-conflict response and peacebuilding practices and procedures in terms of a timely provision of response measures might be conducted, as the existing procedures are too long and time-consuming.

The international community and UN in particular should be very explicit in its statements and clear in its attitudes as to which party has breached or is breaching international obligations and human rights. It is necessary to name the violations of human rights exactly as they are, and there is no need to put an equality sign between the parties as it is sometimes done by political actors.

For example, the UN should be more honest in its public statements and policy when the issue is about immediate repatriation of prisoners of war, as well as manifestations of discrimination and hate speech (for instance against Armenians by high-ranking officials of Azerbaijan). There are ample mechanisms to call a State that is a serial violator of human rights to order, and thus to avert yet another humanitarian disaster.

### **3) What particular issue relevant to this topic would you like to bring to my attention?**

The particular issues relevant to this topic are presented in point 1.