

THE FACTORS WHICH GIVE GROUND FOR THE UNITED NATIONS SECURITY COUNCIL TO DETERMINE ARMENIA AS AN AGGRESSOR STATE

(ERMENİSTAN'IN BİRLEŞMİŞ MİLLETLER GÜVENLİK KONSEYİ
TARAFINDAN SALDIRGAN DEVLET OLARAK TESPİT EDİLMESİNE
ZEMİN HAZIRLAYAN UNSURLAR)

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Abstract: *All facts that identify the definition of aggression in the UN General Assembly Resolution 3314 (1974) have been realized by Armenia against Azerbaijan. In all resolutions of the UN Security Council regarding Nagorno-Karabakh, the sovereignty of Azerbaijan, the integrity of its territory, and the principle of inviolability of the internationally recognized borders are confirmed. But in none of the resolutions has Armenia been determined as an aggressor state and this is the main reason for the conflict having remained unresolved. The Security Council must differentiate the aggressor party and self-defensive party in its resolutions. The Security Council must request Armenia to stop its aggressive policy according to the Charter of the UN. Although Armenia conducts an undeclared war against Azerbaijan and disguises its aggressive policy from the world community through different means, there are many facts proving that Armenia is an aggressor state and that its intention is the annexation of the territory of Azerbaijan. Armenian government's plans to join territory of Nagorno-Karabakh with the territory of Armenia, the direct participation of Armenia's armed forces in the occupying of the lands of Azerbaijan, the supplying of the Nagorno-Karabakh Armenians with military ammunition by the state of Armenia, the expulsion of the Azerbaijanis from their own lands by Armenia through terroristic tactics, the ethnic cleaning policy, the scorched earth policy in the occupied lands, the keeping of military captives and hostages in its lands, the active work of the state for transferring the Armenian inhabitants to the occupied regions, the embezzling of the natural resources of the occupied lands of Azerbaijan by Armenia, the replacement of the toponymies by the Armenian ones in*

the occupied lands, and the changing of the historical, cultural monuments all give ground for the Security Council to define Armenia as an aggressor state..

Key words: *aggressor state, ethnic cleaning, illegal migration, embezzling of natural resources, changing of toponymies*

Öz: *BM Genel Kurulu'nun 1974 yılı 3314 sayılı saldırının (tecavüzün) belirlenmesi konusunda aldığı kararında tecavüzü sınıflandıran tüm eylemler Ermenistan tarafından Azerbaycan'a karşı gerçekleştirilmiştir. BM Güvenlik Konseyi'nin Dağlık Karabağ sorunu konusunda kabul ettiği tüm kararlarda Azerbaycan'ın egemenliği, toprak bütünlüğü ve uluslararası tanınmış sınırların dokunulmazlığı onaylanmaktadır. Ancak hiçbir kararda Ermenistan saldırgan devlet olarak tanımlanmamıştır ve bu da Dağlık Karabağ sorunun çözülememesinin temel nedenidir. Güvenlik Konseyi kabul ettiği kararlarda saldırgan tarafı ve öz-savunma tarafını birbirinden ayırmalıdır. BM Sözleşmesine uygun olarak Güvenlik Konseyi, Ermenistan'dan saldırgan politikasını durdurmasını talep etmelidir. Azerbaycan'a karşı ilan edilmemiş bir savaş sürdüren Ermenistan, saldırgan politikasını dünya kamuoyundan çeşitli yollarla saklasa da, onun saldırgan devlet olduğunu ve Azerbaycan topraklarını ilhak etmek amacıyla olduğunu kanıtlayan olgular bulunmaktadır. Ermenistan hükümetinin Dağlık Karabağ'ı kendi topraklarıyla birleştirmesi hakkında kararlar alması, Azerbaycan'ın topraklarının işgalinde Ermenistan silahlı kuvvetlerinin doğrudan yer alması, Ermenistan'ın Dağlık Karabağ Ermenilerine askeri mühimmat sağlaması, Ermenistan'ın terör yöntemleriyle Azerbaycanlıları yurtlarından kovması, etnik temizlik politikasını hayata geçirmesi, işgal edilmiş topraklarda yanmış toprak (yakıp-yıkma) politikası uygulaması, Ermenistan'ın askeri esir ve rehinelere kendi topraklarında barındırması, işgal edilen arazilere Ermeni nüfusunun aktarılması konusunda hükümetin aktif çalışma yürütmesi, Ermenistan'ın işgal ettiği toprakların doğal kaynaklarını istismar etmesi, Ermenistan'ın işgal ettiği bölgelerde yer isimlerine Ermeni isimler vermesi ve tarihi ve kültürel anıtları değiştirmesi; Güvenlik Konseyi'nin Ermenistan'ı saldırgan devlet olarak tanımlaması gerekliliği için haklı sebeplerdir.*

Anahtar Kelimeler: *saldırgan devlet, etnik temizlik, yasadışı göç, doğal kaynakların zimmete geçirilmesi, toponimlerin değiştirilmesi*

INTRODUCTION

Armenia has pursued military aggression against Azerbaijan since the year 1988, and has occupied Azerbaijan's Nagorno-Karabakh Autonomous Oblast (a territory of 4388 km²) and the surrounding districts – Akhdam, Fuzuli, Lachin, Kabajar, Jabrayil, Kubadli, Zangilan. As a result of the ethnic cleaning policy of Armenia, more than 250,000 Azerbaijanis from today's Armenian territories became refugees in only 1988-1992. As a result of the occupation of Nagorno-Karabakh (NK) and 7 surrounding districts, nearly 700,000 Azerbaijanis became refugees as well. In addition to that, more than 20,000 people were killed, and more than 50,000 people were wounded or became disabled, about 4866 people were taken captives during 1988-1993. 314 of them were women, 58 of them were children, and 255 of them were elderly people.¹

The UN Security Council adopted four resolutions regarding Nagorno-Karabakh.² All of these resolutions have confirmed the sovereignty, territorial integrity, and inviolability of the internationally recognized borders of Azerbaijan. But in none of the resolutions has Armenia been identified as an aggressor state and this is the main reason Nagorno-Karabakh conflict have remained unresolved.

The Security Council declared itself to be a supporter of solution of the problem within the OSCE (Organization for Security and Co-operation in Europe) Minsk Group. According the Chapter 8 of the UN Charter, the discussion of local conflicts can be entrusted to the regional and sub-regional organizations prior to submitting them to the Security Council. Since 1990, the UN prefers the carrying out of the mediation mission in cooperation with the regional and sub-regional organizations. However, if the regional organization cannot cope with the solution of the conflict and the conflict is escalating, the responsibility of the resolution of the conflict will be elevated to the Security Council. Despite Azerbaijan joining OSCE on 20 January 1992, and although the Minsk Group was formed with the participation of 11 states (Azerbaijan, Armenia, USA, Russia, France, Germany, Sweden, Italy, Belarus, Turkey, and Czech Republic) according to the resolution of the Council of Ministers adopted on 24 March 1992, the occupation of the territories of Azerbaijan one after another has shown that OSCE is not capable

1 *Сборник документов ООН по армяно-азербайджанскому нагорно-карабахскому конфликту* (Баку: Министерство Иностранных Дел, 2009): 367.

2 “Резолюции Совета Безопасности ООН 1993 года,” United Nations, accessed September 29, 2017, <http://www.un.org/ru/sc/documents/resolutions/1993.shtml>

of solving this conflict. For example, the Azerbaijani side exerted pressure so that progress could be attained in the of negotiations of the Minsk Group. Although Azerbaijan insisted for the Republic of Armenia to be recognized as an aggressor, the “equal responsibility of the parties” applied to the conflicting parties became a serious constrain for solving the conflict. The showing of Nagorno-Karabakh as a conflicting party in the documents of OSCE stimulated the occupation policy of Armenia.³

Regarding the Nagorno-Karabakh conflict, the co-chairs of the OSCE Minsk group, especially Russia and USA, attempt to realize their geostrategic interests through the use of the Minsk Group to avoid responsibility and hinder the Minsk Group from acting as an independent organization. The reason for the unresolved status of this conflict is that the aggressor state and the state with the right of self-defense have not been determined by the Security Council. At the same time, the co-chairs of the Minsk Group that was created for resolution of the Nagorno-Karabakh problem, do not differentiate between Armenia and Azerbaijan. Considering that the US Congress allocated developmental aid to the NK separatists on December 2009,⁴ that Russia takes advantage of Armenia in the Southern Caucasus and supported it during the first stage of the NK conflict, and that France prioritizes the

interests of Armenia, it is not possible to believe that the Minsk Group Co-chairs will demonstrate a fair position for the resolution of the Armenia-Azerbaijan conflict. There is no ground to believe that the Minsk Group will solve the conflict while it has ignored the Shusha and Lachin problems and stated the Lachin region to be vital for NK Armenians as a “humanitarian corridor” even though it is used for transferring of ammunitions and manpower to the NK from Armenia. Forwarding many ambiguous requirements for Azerbaijan for the removal of the armed forces of Armenia from the occupied territories and leading the policy of “double standards,” the Minsk Group ignored the unconditional requirements of the resolutions of the Security Council.

3 *Azərbaycan BMT ailəsində* (Bakı, 2000): 330-333

4 “Ermanistan-Azərbaycan münəqişəsi sənədlər bölməsi,” *Diplomatiya Aləmi Jurnalı*, № 13 (2005), 70.

The Factors Which Give Ground for the United Nations Security Council to Determine Armenia as an Aggressor State

Informing the Security Council about the aggressive policy of Armenia, Azerbaijan requested for the halting of economic relations with Armenia and the complete or step-by-step application of sanctions on railway, sea, and air transportation, postal service and telegraph, radio and other means of media as considered in Articles 41 and 42 of the UN Charter.⁵ According to the Article 34 of the UN Charter, the Security Council has the right to investigate any conflict or any situation for determining if the said conflict or situation can create a threat for international peace and security. The Security Council may propose collective measures and recommendations after the identification of a threat.⁶ The facts shown in the report of the UN representative in the conflict regions gives ground for the Security Council to apply sanctions against Armenia. According to the Article 39, the Security Council defines aggressive action against peace, gives recommendations and makes decisions about taking measures regarding Articles 41 and 42 for maintaining international peace and security.⁷ Initially, the Security Council takes peaceful measures. In the Article 40, it is stated that:

“In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.”⁸

According to the Article 41, the Security Council may apply the economic sanctions and other means of coercion against the guilty party.⁹ If the above-mentioned measures are not sufficient, Article 42 is to be applied. This means that the Security Council may take the measures necessary to maintain and restore the international peace and security by means of air, naval, and land forces.¹⁰ The Security Council did not differentiate the conflicting parties and

5 “Письмо представителя Азербайджана от 26 октября 1993 года на имя Председателя Совета Безопасности, Документ S/26647, Совет Безопасности. Официальное отчеты сорок восьмой год дополнение за октябрь, ноябрь, декабрь 1993 года” (Организация Объединенных Наций, Нью-Йорк, 1997), 137.

6 *Birləşmiş Millətlər Təşkilatının Nizamnaməsi* (Bakı, BMT-nin Azərbaycan Respublikasındakı Nümayəndəliyi): 23.

7 *Birləşmiş Millətlər Təşkilatının Nizamnaməsi*, 26-27.

8 “Charter of the United Nations - Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression,” *United Nations*, accessed: September 29, 2017, <http://www.un.org/en/sections/un-charter/chapter-vii/index.html>

9 *Birləşmiş Millətlər Təşkilatının Nizamnaməsi*, 27.

10 *Birləşmiş Millətlər Təşkilatının Nizamnaməsi*, 27.

instead of applying political, economic, and other sanctions on Armenia, convened the world states to render the humanitarian assistance to this aggressor country. The failure to indicate Armenia as an aggressive state in the resolutions and decisions of world community prevents the solving of the conflict by the sanctions of the Security Council. The Security Council's decision about sanctions depends on the five permanent members of the Security Council who have the right of veto such as the US, Russia, and France (which always prioritizes the interests of Armenia).

The UN General Assembly Resolution 3314 (1974) titled "Definition of Aggression" classifies the aggression on the basis of the below mentioned criteria:¹¹

- a) The attack of a state's armed forces to the territory of another state or any military occupation, or the annexation of the territory of another state by the use of force,
- b) Any armed attack to the territory of another state,
- c) Armed forces being sent by the state or on behalf of the state to carry out the above-mentioned actions against another state. Moreover, in the Clause (f) of Article 3 of the resolution, it is stated that any state must not allow its territory to be benefited for aggression against another state, and in such a case, this action itself is considered to be an aggressive action.¹²

1) THE MAIN FACTORS REGARDING THE AGGRESSIVE POLICY OF ARMENIA

1.1) The Decisions of the Supreme Soviet of Armenia on the Integration of Nagorno-Karabakh to Armenia

The Supreme Soviet of Armenia's decision for the integration of Nagorno-Karabakh to Armenia in 1989 proved its aggressive policy against Azerbaijan. The Supreme Soviet of Armenia, continuing its violation of the sovereignty of the state of Azerbaijan, made the decision for the establishment of the election constituency in the territory of Azerbaijan and the holding for

11 "Resolution adopted by the General Assembly - 3314 (XXIX). Definition of Aggression - A/RES/29/3314 - 14 December 1974" (United Nations General Assembly, New York), accessed: September 29, 2017, <http://www.un-documents.net/a29r3314.htm>

12 L.N. Hüseyinov, *Beynəlxalq hüquq: Dərslük* (Bakı: Hüquq ədəbiyyatı, 2002): 79.

elections of the Supreme Soviet there. The acceptance of the official document titled “About the integration of the Nagorno-Karabakh to Armenia SSR” on 1 December 1989 can be regarded as a policy aimed towards violating the territorial integrity of another state, because the Armenian SSR and Nagorno-Karabakh had never been a single state. In Article 3 of the decision, it is stated; “The Supreme Soviet of the Armenian SSR and the National Assembly of Nagorno-Karabakh declare the integration of the Nagorno-Karabakh to the Republic of Armenia. The inhabitants of Nagorno-Karabakh are the citizens of the Armenian SSR.” In Article 4, it is shown that “Armenian SSR Supreme Soviet and Nagorno-Karabakh will establish a joint commission to do practical work for the integration of the Armenian SSR and Nagorno-Karabakh.” In Article 6 it is noted that; “In the system of the single state, taking the necessary measures for the real integration of the political, economic, cultural structures of the Armenian SSR and Nagorno-Karabakh is entrusted to the staff of the Presidium of the Supreme Soviet of the Armenian SSR, the Soviet of Ministers of the Armenian SSR, and the Administrative Staff of the National Assembly of the Nagorno-Karabakh Self-Defense Union.”¹³

Thus, the aggression of Armenia against Azerbaijan was committed by its supreme legislature organ – the Supreme Soviet. The Supreme Soviet adopted the state program of economic development, including the economic development program of Nagorno-Karabakh. When Armenia joined to the UN and the OSCE, basing itself allegedly on international law, the Armenian Supreme Soviet, which did not recognize the fictitious Nagorno-Karabakh Republic [NKR] as a part of Azerbaijan, stated that the below decision had been made: “To provide the defense of the Nagorno-Karabakh Republic and its population; to consider the agreements indicating the Nagorno-Karabakh as an integral part of Azerbaijan to be impossible; to conduct the military mobilization in the Republic of Armenia.”¹⁴ Arguing that it did not recognize the “Nagorno-Karabakh Republic” as a part of Azerbaijan based on international law, Armenia implied the “right of self-determination of peoples” principle without understanding international law. The Supreme Soviet did not adopt any act about the cancellation of the above-mentioned decisions after conducting the referendum about the sovereignty of Armenia.

13 “Официальные отчеты сорок восьмой год дополнение за январь, февраль, март 1994 года” (Организация Объединенных Наций, Нью-Йорк, 1997), 129 – 130.

14 “Официальные отчеты сорок восьмой год дополнение за апрель, май, июнь 1993 года” (Организация Объединенных Наций, Нью-Йорк, 1996), 90.

1.2) Having the separatists in the Armenian administration

The leader of the armed forces of the “Nagorno-Karabakh Republic”, Robert Kocharyan was elected as a deputy from election constituency number 99.¹⁵ Such separatists being members of parliament once again proved the aggression of Armenia against Azerbaijan. The occupation of Jabrayil, Zangilan, Fuzuli was arranged by Kocharyan and Serzh Sargsyan, both of whom were involved in terrorist actions perpetrated in the above-mentioned three places (which will be explained later in this article).

Kocharyan, who was the President of the fictitious NKR from 1994 to 1997, later became the Prime Minister of the Republic of Armenia, and from 1998 to 2008, he served as its President.

Elected as the President of the Republic of Armenia in February 2008, Sargsyan began his career as the President of the “Nagorno-Karabakh Republic Self-Defense Forces Committee.” He later became the Minister of Defense of Armenia in 1993, and later became the country’s Prime Minister.

Kocharyan had worked as a guide for the “NKR”, and had supplied the Armenian groups that arranged attacks resulting in the killing of thousands of people and the massive expulsion of more than one million Azerbaijanis from Khankendi and the other settlements. Now, the Armenian government under Sargsyan continues to carry out similarly morally reprehensible acts against Azerbaijanis at the state level in Armenia as Kocharyan did during his term in office.

On 12 February 1988, the first rally against Azerbaijanis was also organized under Kocharyan’s leadership. Since the first months of those events, subversion actions resulting in the burning of four houses at the entrance of Khojali City and injury of some Azerbaijani residents were committed in particular under the organization and direct leadership of Kocharyan, Sargsyan, and Arkadi Kukasyan.¹⁶ Coming to Asgaran District Education Department from Khankendi in 1988 to carry out propaganda work against Azerbaijanis and arranging a meeting, Kocharyan requested the tutorial collective to never forget past tragedies and educate the pupils in the nationalistic spirit, reminding that the Turks and Azerbaijanis had committed

15 “Официальное отчеты сорок восьмой год дополнение за апрель, май, июнь 1993 года,” 94.

16 “R.Köçəryan və S.Sarkisyan Dağlıq Qarabağdakı soydaşlarımıza qarşı törədilən zorakılıqların müəllifləridir,” 1905.az, February 22, 2017, <http://1905.az/r-koc%C9%99ryan-v%C9%99-s-sarkisyan-dagliq-qarabagdaki-soydaslarimiza-qarsi-tor%C9%99dil%C9%99n-zorakiliqlarin-mu%C9%99llifl%C9%99ridir>

the “notorious genocide”. The Director of Jamilly village school Gasim Girxqizli and his assistant Khudayar Kuliyeu who attended in the meeting, stated that they had left the meeting protesting against the nationalistic speech of Kocharyan.¹⁷

The current President of Armenia, Serzh Sargsyan, was born in Khankendi City, and was educated in Yerevan. Being elected the President of Armenia in February 2008, Sargsyan was acting as the First Secretary of the City Komsomol Committee of the Khankendi City when the events started. He was an active member of “KrunK” and “Dashnaksutyun” Parties. The provision of the Armenians of Khankendi with weapons, the killing of 25 people by first stoning and then firing at the buses transporting Azerbaijanis on the route of Akhdam-Shusha, the shooting down of the “Mi-8” helicopter on flight from Akhdam to Shusha in 1989, the first attack to Malibeyli Village and the killing of two Azerbaijanis in the border of Asgaran-Akhdam regions were in particular arranged by Sargsyan.

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During that period, Sargsyan was dealing with the transferring of the firearms and ammunitions from Armenia and distribution of them to the NK Armenians.¹⁸ In an interview with the British writer and journalist Thomas de Waal (a specialist on the Nagorno-Karabakh conflict), Sargsyan, admitting that Azerbaijani civilians had been killed but claiming that there were exaggerations, states the following regarding the Khojali Massacre (deemed by Azerbaijanis to constitute a genocide):

“Before Khojalu [Khojali], the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We needed to put a stop to all that. And that’s what happened...”¹⁹

17 “R.Köçeryan və S.Sarkisyan Dağlıq Qarabağdakı soydaşlarımıza...”

18 “R.Köçeryan və S.Sarkisyan Dağlıq Qarabağdakı soydaşlarımıza...”

19 Thomas de Waal, “A President, an Interview, and a Tragic Anniversary,” *Carnegie Endowment for International Peace*, February 24, 2012, <http://carnegieendowment.org/2012/02/24/president-interview-and-tragic-anniversary/9vpa>

In an interesting note, the fictitious NKR has not even been recognized by Armenia. In truth, it is under Armenia's control and administration, and this once again shows that Armenia established a fictitious NKR and integrated it to its territory. Armenia, by creating the fictitious Nagorno-Karabakh Republic, carries out its own administration there in violation of Azerbaijan's territorial integrity.

1.3) The direct participation of the Armenian military in the occupation

The secret visit of the Minister of Defense of Armenia to Akhdere Region of Azerbaijan on 10 March 1993, the assessment of the combat ability of the Armenian forces, and the statements of the military captives prove that Armenia was directly involved in aggression.

Some Armenian soldiers were taken captive when the military of Azerbaijan repelled the attack at the Chanli Village of Kalbajar Region. The Head of the 4th Military Commissariat Division in the Gyumri City (Leninakan), Captain Grigoryan Ashot Agasiyevich, the Assistant of the Chief Military Officer of 2nd Military Commissariat Division, Senior Lieutenant Badoyan Samvel Derenikovich again of Gyumri were among the captives.²⁰ The meeting of Armenian military captives was arranged with the Ministry of Foreign Affairs, the Ministry of Defense, the Ministry of National Security of Azerbaijan, the UN diplomatic accredited corps in Baku, and also local and foreign journalists. The captives unambiguously stated that it was Armenia who lead the war in the territory of Azerbaijan, and that the Armenian government showed disapproval of antiwar protests in different cities of Armenia. On 14 of January 1994, the government representatives themselves dispersed the antiwar meeting in Yerevan.²¹

The 83th Brigade of the Armenian armed forces occupied Fizuli Region, and since May 1992, took the occupied Lachin Region under its control. The representative of the UN confirmed the use of T-72 tanks (acquired during the dissolution of the Soviet Union), Mi-24 fighter jets, and modern military aviation and that the attack was not solely carried out by the local ethnic forces (Armenians).²² However, UN General Secretary did not identify who the

20 "Письмо представителя Азербайджана от 1 февраля 1994 года на имя Председателя Совета Безопасности, Документ S/1994/108, Совет Безопасности. Официальное отчеты сорок девятый год дополнение за январь, февраль, март 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1997 год), 103.

21 "Письмо представителя Азербайджана от 1 февраля 1994 года на имя Председателя Совета Безопасности, Документ S/1994/108....," 103.

22 "Официальное отчеты сорок восьмой год дополнение за апрель, май, июнь 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1998), 378-380.

additional forces were. The commission did not organize for the identification of the source of the weapons used by NK “self-defense” forces. In their report, OSCE observers stated that, there were many Armenian military servants in Kalbajar Region of Azerbaijan in the period of the presidential elections of 1998 in Armenia.²³ The serving of the Armenian soldiers at the NK was stated in the report of 2005 of the international group of preventing the crisis at the NK of the US State Department.²⁴ In the report, it was shown that in the NK armed forces, there were 8500 soldiers from amongst the NK Armenians and 10,000 soldiers were from Armenia, and that men who had completed their military service were sent to the occupied territory by force.²⁵ The documents obtained when the Armenian military servants sent to Azerbaijan for occupation of Kalbajar were taken as captive, the military map (map scale: 1:50,000) with the gryphon of “Sekretnoekr number-1” regarding to the occupation of Kalbajar and the keeping of the occupied lands of Azerbaijan signed by G. Andresyan, the documents about assigning military ranks to soldiers based on the service provided during the occupation of Lachin and Kalbajar are the facts confirming the aggression of Armenia against Azerbaijan.²⁶

Russia supported the invasive policy of Armenia from the very beginning of the outbreak of the conflict. Issues like the existence of Russia’s 102nd Military Base in Armenia and the significant transfer of armaments to Armenia by Russia should worry neighboring countries as well. The location of Russia’s military base in Armenia serves as a physiological pressure tool in the region in the interests of Russia.²⁷ In July 2016, the decision was made for the establishment of the Joint Military Force between Armenia and Russia, showcasing just how much military support Russia has provided to Armenia throughout the years.²⁸

1.4) The intensification of Armenia’s military aggression

Jamilli Village on 15 December 1991, Mehsali on 24 December, Karkijahan on 28 December, Nabiler Village on 18-19 January 1992, Imaret Garvand Village of Akhdere Region and Malibeyli and Gushchular Villages on 12

23 *Сборник документов ООН...*, 122.

24 *Сборник документов ООН...*, 123.

25 *Сборник документов ООН...*, 339.

26 “Официальные отчеты сорок восьмой год дополнение за январь, февраль, март 1994 года,” 103, 120, 124.

27 Ali Asker, “Rusya’nın Ermenistan’da Askerî Varlığı: Hukuki Ve Politik Bakış Açısıyla Bir Değerlendirme,” *Ermeni Araştırmaları*, Sayı 41 (2012), 107.

28 Asker, “Rusya’nın Ermenistan’da Askerî Varlığı...,” 69.

February were burned down by Armenian forces. Additionally, Armenian forces killed the inhabitants of these villages: 28 people were killed and 39 people were seriously injured. In Meshali Village, Armenian forces killed 27 inhabitants, and seriously injured more than 15 people. Among the killed were the underaged, pupils, and a 75-year-old man. The remains (corpses) of 11 of these people were burned. The Karadagli, Axullu, and Salaketin Villages of Khojavend Region were exposed massacre from 13 to 17 February. 146 people were killed, 118 people were taken captive (children, women, elderly), and 33 people were shot by Armenian forces during the attack against Karadagli Village. At the same time, the said Armenian forces kept the remains of the killed people and the injured people together, throwing them into the farm well. 77 of captives were killed, 6 of them were burned alive, while 50 people were released from captivity with great difficulty. 18 people released from captivity subsequently died from their wounds. The cruel treatment of the captives in such a manner; the cutting of peoples' heads, burying them alive, forcibly removing their teeth, depriving them of food and water, and killing them with torture constitute severe crimes against humanity. In Karadagli Village, four people were killed in each of the two families, 42 families lost their heads of family, and nearly 140 children were orphaned. In total, in this village where the inhabitants were systematically exposed to massacre, 91 people were killed, meaning 1 out of every 10 people in the village were killed.

On the night bridging 25 February to 26 February of 1992, one of the most severe tragedies of recent memory, the Khojaly Massacre was committed. Armenian forces occupied Khojali with the involvement of Russia's 366th motorized unit in Khankendi. In this massacre perpetrated against Azerbaijanis: the city was burned down, 613 people were killed by torture, 487 people were wounded, 1275 people were taken captive, 8 families were completely wiped out, 25 children lost both parents, and 130 children lost one parent. 106 of the killed were women, 83 were children, and more than 70 were the elderly. 56 people were burned alive by torture, the skin of their head was peeled off, their eyes were removed, the heads were cut off, and the abdomen of the pregnant women were engraved with bayonets.²⁹

1.5) Keeping the military captives and hostages in the Armenian territory

In the resolution number 1553 (2007) of the Parliamentary Assembly of the Council of Europe regarding disappeared people, the necessity the relevant

29 *Azərbaycan tarixi: 7 cildə, VII c* (Bakı: Elm, 2003): 324; T. Mustafazadə, "Erməni məsələsi"ndən erməni terrorizminə (Bakı: "Turxan" NPB, 2016): 130.

parties reporting about the disappeared people during armed conflict, the worry of the Parliament regarding the hiding of the number of disappeared people, and the disappearance of 4499 Azerbaijanis during NK conflict is stated.³⁰ According to the report of the State Commission of the Republic of Azerbaijan related to military captives, hostages and disappeared people on 1 January 2008, the number of disappeared people is 4210. 47 of them are children, 256 of them are women and 355 are the elderly.³¹ The Armenian separatist groups tortured civilians as well as captives, brutally beating them, insulting their dignity, turned them into objects to be bought and sold (thereby violating the international law norms), at most cases did not release the captives after obtaining large sums of ransom money, killed them with torture or sold their organs, and conducted experiments on them. Out of 300 Azerbaijani captives kept in the camp near Spitak City of Armenia, 23 people were shot dead. Ministry of the Foreign Affairs of Armenia reported that 8 Azerbaijanis were shot because of their attempts at escape.³² On 23 March 1993, by the initiative of the International Committee of the Red Cross, Azerbaijan was able to receive ten corpses. Healthcare authorities of Azerbaijan and the independent expert doctor Derek Paundor confirmed that these were the remains of military captives who had been shot.³³ Researches of the Forensic Medical Examination Commission of the Ministry of Health of Azerbaijan, rejecting the report of Ministry of the Foreign Affairs of Armenia's Press Service, demonstrated that the captives were beaten and exposed to torture prior to being killed. Military captives R. Agayev, E. Ahmadov, E. Mammadov, G. Mammadov, F. Guliyev, E. Ahmadov were shot from the gut, B. Giyasov were shot from the chest from a near distance. R. Agayev, E. Mammadov and E. Ahmadov's ears were cut off. Also, the internal organs of R. Agayev -heart, liver, and spleen- were removed. On the remains of I. Nasirov, there were the signs of odor proving extended periods of starvation. On the remains of F. Huseynov, many signs of torture were observed.³⁴ UN representatives also witnessed brutal torture applied to

30 R. Dadaşova, "Ermenistan'ın Azerbaycan'a Silahlı Saldırı: Uluslararası Humanitar Hakların Pozulması Meseleleri," *Turkish Studies*, Volume 9/5 (Spring 2014), 647.

31 Dadaşova, "Ermenistan'ın Azerbaycan'a Silahlı Saldırı..." 647.

32 "Письмо представителя Азербайджана от 21 февраля 1994 года на имя Генерального секретаря, Документ S/1994/206, Совет Безопасности. Официальное отчеты сорок девятый год дополнение за январь, февраль, март 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1997), 168-169.

33 "Письмо представителя Азербайджана от 26 апреля 1994 года на имя Генерального секретаря, Документ S/1994/505, Совет Безопасности. Официальное отчеты сорок девятый год дополнение за апрель, май, июнь 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1998 год), 117.

34 "Письмо представителя Азербайджана от 1 апреля 1994 года на имя Генерального секретаря, Документ S/1994/393, Совет Безопасности. Официальное отчеты сорок девятый год дополнение за апрель, май, июнь 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1998), 15.

hostages and captives in Armenia. For instance, the UN representative in Baku, M. Al-Said was shown an Azerbaijani civilian's remains. This man was exposed to torture and brutality during his captivity, his fingers were removed by rope, and his chest was cauterized by a cigarette.³⁵

1.6) The Acts of Terror Committed by Armenian Forces

The study of terrorism is proven difficult by the fact that there is no universally accepted definition of terrorism in international relations. However, for the purposes of this article, we can use the definition of “terrorism” and “terror” provided by Meriam-Webster, a well-known English-language dictionary;

When one looks at the examples to be given below, the reader can see the merits of designating some of Armenia's and various Armenian groups' actions against Azerbaijanis as terrorism.

“Terrorism: the systematic use of terror especially as a means of coercion,”³⁶

“Terror: violent or destructive acts (such as bombing) committed by groups in order to intimidate a population or government into granting their demands.”³⁷

Moreover, it can be stated that aggression, war crimes, genocide, racism, making illegal experiments upon people, torture, turning people into slaves, brigandage, illegal actions against seafaring vessels, the highjacking of airplanes, the kidnapping of the diplomats, taking civilians as hostages, harming the environment, and the general violation of human rights can all serve as the elements of acts of terror.³⁸

When one looks at the examples to be given below, the reader can see the merits of designating some of Armenia's and various Armenian groups' actions against Azerbaijanis as terrorism. First, it should be noted that thousands of Azerbaijanis were expelled from their own lands through acts of terror and that significant acts of terror were perpetrated in Nagorno-Karabakh. There are, of course, more examples that can be given.

35 “Письмо представителя Азербайджана от 15 августа 1993 года на имя Председателя Совета Безопасности, Документ S/26307, Совет Безопасности. Официальные отчеты сорок восьмой год дополнение за июль, август, сентябрь 1993 года” (Организация Объединенных Наций, Нью-Йорк, 1995), 210.

36 “Terrorism,” *Merriam-Webster*, accessed: September 29, 2017, <https://www.merriam-webster.com/dictionary/terrorism>

37 “Terror,” *Merriam-Webster*, accessed: September 29, 2017, <https://www.merriam-webster.com/dictionary/terror>

38 “Аль-Обейд А.С. Угрозы терроризма и борьба с ним,” *Азия и Африка*, № 4 (2004), 43.

Iranian airplane S-130 (Hercules), coming from Moscow to Tehran, was shot down on the Khankendy space by Armenian armed forces on the 18 March 1994. As a result of that, 32 people were killed, most of which were women and children, as well as 7 members of the Iranian delegation in Russia. The outcome of the investigation of the special commission of Iran arranged to investigate this crime proved that it was committed by an Armenian group. The Ministry of Foreign Affairs of the Islamic Republic of Iran declared that the Republic of Armenia was responsible for this tragedy. Because of the results of the special commission organized by the Government of Iran, it was confirmed that the shooting down of Iran's aircraft was done by Armenian armed forces.³⁹

At the same time, the profit obtained from narcotics after occupation of the NK was directed to control the occupied territory and to fund mercenaries. The US State Department noted this in its report titled "About The Strategy Of International Control Upon The Narcotics" in March 2000. Parliamentary Assembly of the Council of Europe also noted on this fact in its report.⁴⁰

Taking advantage of the Armenian origin separatist citizens, the Azerbaijan committee of "Karabakh" with the leadership of Levon Ter-Petrosyan organized a separatist movement. With the establishment of terrorist groups, Azerbaijani inhabitants were expelled from Armenia through terror tactics and many acts of terror were committed in NK. Within only the last 10 years, 4 acts of terror were committed in transportation alone, where 68 people died and 132 were injured. 8 acts of terror were committed on passenger and freight trains. 14 people were killed and 125 were wounded. 3 acts of terror were recorded in the metro system of Baku, tens of people died as a result of these attacks and hundreds were wounded. The terrorist organization ASALA's members Davidyan and Melkonyan, actively participating in the carrying out of the explosions in "20 January", "28 May-Ganjlik", and "Ulduz-Narimanov" stations of Baku Metro, were designated to the desert commander rank by R. Kocharyan in Karabakh. 3 acts of terror were committed in air transportation, where 104 people were killed. 25 people were killed and 88 were severely wounded during a terrorist act in Krasnovodsk-Baku passenger ferry.

39 "Письмо представителя Азербайджана от 31 марта 1994 года на имя Генерального секретаря, Документ S/1994/377, Совет Безопасности. Официальное отчеты сорок девятый год дополнение за январь, февраль, март 1994 года" (Организация Объединенных Наций, Нью-Йорк, 1997), 3.

40 "Письмо представителя Азербайджана при Организации Объединенных Наций от 28 февраля 2005 года на имя Генерального Секретаря Приложение1письму космические снимки оккупированных территорий Азербайджанской Республики," *Diplomatiya Aləmi Jurnalı*, №10 (2005), 110.

In total, in the 337 acts of terror on civilian targets carried out by Armenian groups, 881 people died and 1239 people were wounded. 8 acts of terror were committed to civilian and state targets. As a result of these attacks, 10 people died and 30 people were wounded. Due to such attacks, the economy of Azerbaijan was exposed to large scale losses. Using factual information, the tragic consequences of terrorism perpetrated by Armenian groups were reflected in the book titled “Armenian Crimes (Based on Documents)” prepared by Ministry of National Security of the Republic of Azerbaijan.⁴¹ Acts of terror perpetrated by Armenian groups against Azerbaijan people and constitutional order, sabotage, military encroachment, and armed separatism were demonstrated in detail in the book titled “Nagorno-Karabakh: the Chronicle of the Events (1988-1994)” published by the Ministry of the Internal Affairs of the Republic of Azerbaijan.⁴²

The extremist “Dashnaksutun” Party, the culprit of many violent and terroristic acts in late nineteenth and twentieth century, currently acts under the name of “Armenian Revolution Federation” and is part of the coalition government in Armenia.⁴³ The Armenian investigator A. Enokyan states that the Nagorno-Karabakh conflict is used as a tool for furthering domestic politics in Armenia. Enokyan notes that, currently, the main aim of the nationalist-socialists of the “Dashnaksutun” in Armenia is to “return back all Armenian lands” by force and to punish designated historical enemies. Additionally, Enokyan considers R. Kocharyan having obtained political power in Armenia to be illegal due to him being a Karabakh citizen.⁴⁴

The scorched earth policy of Armenia and the laying of mines seriously harms the environment of Nagorno-Karabakh, makes the lands unfit for inhabitation, and leads to the desertification of the lands. In 1993, foreign news agencies reported that Armenians were employing scorched earth tactics by burning the Azerbaijan-Iran border area.⁴⁵

41 “Ermənistan-Azərbaycan münaqişəsi sənədlər bölməsi,” 128-159.

42 *Dağlıq Qarabağ: hadisələrin xronikası (1988-1994-cü illər)*. Azərbaycan Respublikası Daxili İşlər Nazirliyi (Bakı: Vətən, 2005): 108.

43 *Ermənistan Respublikası (məlumat-sorğu kitabçası)*. Qafqaz Etno-siyasi Araşdırmalar Mərkəzi, “Bölgə” silsiləsindən I buraxılış (Bakı, 2006): 77.

44 “Енокян А. Армения: противоречивые подходы к урегулированию Карабахского конфликта,” *Центральная Азия и Кавказ*, № 1 (2002), 115-121.

45 “Письмо представителя Азербайджана от 15 ноября 1993 года на имя Генерального секретаря, Документ S/26762, Совет Безопасности. Официальное отчеты сорок восьмой год дополнение за октябрь, ноябрь, декабрь 1993 года” (Организация Объединенных Наций, Нью-Йорк, 1997), 251-252.

1.7) Migration Policy to the Occupied Lands of Azerbaijan

1.7.1) Armenia's Migration Policy to the Occupied Lands at the State Level

The exposure of the Azerbaijani territory to occupation, the destruction, the policy of ethnic cleaning in these lands, the expulsion of the Azerbaijanis from their permanent places of residence gives ground for defining Armenia as an aggressor state. The active work carried out in terms migration policy at the state level to move people from Armenia to the Kalbajar, Kubadli and Zangilan regions is another factor proving the encroachment of Armenia against the territory of Azerbaijan, because the settlement of Armenian citizens in the occupied territories constitutes an illegal act.

In international practice, it is known that the citizens are legally migrated into another country's territory from the country whose borders will be rearranged. The change in citizenship can be implemented by optation (the right of moving to another country's citizenship) and in such cases, voluntary decisions are applied. The migration of the citizens through the ways of both transfer and optation can be executed on the basis of the mutual agreement of the involved governments. The Committee on the Elimination of Racial Discrimination mentioned in its decision of 17 August 1995 about the condition at Bosnia and Herzegovina that any attempt to change the demographic composition in a region constitutes a violation of international law. Especially, the reporter Al-Xasaun, in his report to the commission about the prevention of discrimination and defense of minorities, mentioned that the forced migration of the inhabitants is prohibited by the international law norms. This idea was recognized by the commission.⁴⁶ Geneva Convention is the main legal document prohibiting the relocation of the population of occupying states to the occupied territories to change the demographic balance in favor of the occupying state. The disturbance of the demographic balance in the occupied territories is condemned by the UN Security Council in its resolutions as well.⁴⁷ According to the international law norms, Armenia does not have any legal status in the occupied territories. Violating these norms, Armenia transfers its own people (the Armenians) to the Azerbaijani territory that is occupied. The transfer of them to the occupied territories has been executed by the Prime Minister of the Republic of Armenia Vazgen Sargsyan, his assistant Suren Abramyan, and the Public Administration of Refugees. The charity union called "Ayrudzi" was created to give this transfer campaign a

46 *Сборник документов ООН...*, 350.

47 *Сборник документов ООН...*, 349-350.

socially conscious veneer. This union allocated large amounts of money by taking responsibility of the provision of the migrants.⁴⁸ Arrangement of the transfer project on the level of the minister, his assistant, and government administration proves that the transfer of the Armenian population to the occupied territory of Azerbaijan was organized in the direct control of the Armenian administration and it is a part of the government policy of Armenia.

1.7.2) Identification of the Facts Related to the transfer Policy of Armenia

On 24 November 2004, in the meeting of the officials of Ministry of Foreign Affairs of Azerbaijan with co-chairs of the Minsk Group, the creation of an independent expert group within the OSCE to identify facts related to the settlement policy of Armenia was discussed.⁴⁹ The OSCE Fact-Finding Mission revealed the illegal settlement of the Armenian population in the occupied territory of Azerbaijan in 2004.⁵⁰ In the 36-page report of the Mission, the number of the settled population in the occupied territory was shown to be 15-16 thousands. In the report, the settlement of 8000-12,000 people in Lachin, 1500-2000 in Kalbajar, 1000 in Agdam, 1000 in Zangilan, 1500 in Kubadli, 100 in Fuzuli, and 100 in Jabrayil was stated.⁵¹ Furthermore, an Armenian citizen settled in Nagorno-Karabakh or its surrounding regions is provided with a house and receives 365 USD payments per month.⁵² Until 2010, with the intention to increase the number of Armenians up to 300,000, the government of Armenia transferred thousands of Armenians from Iran, Russia, Lebanon, and other countries to the occupied regions by means of giving numerous privileges, giving long term loans, and providing exemption for them from taxes.⁵³ According to the conclusion of the OSCE's mission of collection of the facts of illegal immigration, the co-chairs called for preventing the further transfer of people to the occupied territories, and noted that the change of the demographic situation and maintaining this situation for an extended period complicates the peace process and any economic activity in the occupied lands. The CD's of the videos of the transfer of Armenian people to the occupied territory of Azerbaijan filmed by Abkhazian and Georgian journalists, photos taken from satellites and comments related

48 "Официальное отчеты сорок восьмой год дополнение за апрель, май, июнь 1994 года," 225-226.

49 "Ermənistan-Azərbaycan münəqışəsi mətbuatda," *Diplomatiya Aləmi Jurnalı*, № 9 (2004), 74.

50 *Həydər Əliyev: «Biz Azərbaycan ərazisində ikinci bir erməni dövlətinin yaranacağına yol vermərik»* (Bakı: Əbilov, Zeynalov və oğulları, 2006): 92.

51 "Ermənistan-Azərbaycan münəqışəsi mətbuatda," *Diplomatiya Aləmi Jurnalı*, №10 (2005), 122.

52 *Сборник документов ООН...*, 351.

53 "Ermənistan-Azərbaycan münəqışəsi mətbuatda," № 9 (2004), 72.

to them were sent to the OSCE. This information was also introduced to the fact-finding mission of the Minsk Group of OSCE in the occupied zones.⁵⁴

Anna Matveyev, in the report to the working group on minorities which was a sub-commission of the Committee of Defense of Human Rights in Southern Caucasus noted that since 1990, the transfer policy was being applied by the Armenian armed forces to the surroundings of Nagorno-Karabakh. The transferred people received aid from the Armenian government, either did not pay taxes or paid a small amount of taxes, and by this way, the Armenian government has attempted to build physical and public infrastructure.⁵⁵ The report of the US State Department's International Crisis Group on Nagorno-Karabakh in September 2005 states that, Stepanakert (author's note: Khankendi) sees Lachin as a part of NK. NK's demographic structure has been changed. 47,400 Azerbaijanis and Kurds used to live there until the break out of the war (author's note: According to the data of 1992, 66,646 people lived there during occupation of Lachin). According to the data given from the officials holding power in NK, there are currently 10,000 Armenians living there. These people are provided with free clothes, social infrastructure, money, and livestock, and are required to pay very minor taxes. Nearly 85% house houses were restored and redistributed in the city center.⁵⁶ The electric lines, transportation routes, and other objects linking Armenia and the NK are more connected now than they were up to the war.⁵⁷

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According to the “Return to Karabakh” program realized by State Department on Affairs of Refugees of the government of Armenia, Yerevan officially funds the separatist regime of NK. With the help of the “Erkir” non-governmental organization and G. Egakyan, the Head of the State Department of the Affairs of Refugees of Armenia, 35 families were transferred in Spring 2004, and

54 “Письмо представителя Азербайджана при Организации Объединенных Наций от 28 февраля 2005 года на имя Генерального Секретаря...,” 102-114.

55 *Сборник документов ООН...*, 352.

56 *Сборник документов ООН...*, 352.

57 *Сборник документов ООН...*, 352.

500,000 USD were allocated for the transfer of 80 families. Again, in the same year, international funds were used to allocate 400,000 USD for the building of 90 houses.⁵⁸

1.8) Armenia Exploiting the Natural Sources in the Occupied Territories

Exploiting of the natural resources in occupied lands is another fact demonstrating Armenia's policy of aggression. The large gold deposits of Soyudlu Village of Kalbajar and Vejnali Village of Zengilan is being illegally explored by Armenian companies. The Armenian company FerstDynasti Mains LTD in Canada (it is named Sterlight Gold LTD since 2002) reached an agreement with the Armenian government to explore Soyudlu deposits for 63 million USD. The Armenian government declared that American and Canadian companies agreed for the exploration of Vejnali gold deposits with 4.5 tons of gold deposits.⁵⁹

1.9) Changing the Toponymies in the Occupied Regions to Armenian Names, and the Armenianization of Cultural and Historical Monuments

It is necessary to note that, the changing of the toponymies in the occupied regions to Armenian names, the Armenianization of the monuments, are another set of facts proving the policy of aggression of Armenia. Armenia has changed the name of the Kalbajar Region to Karvachar, Lachin to Kashatakh, Qubadli to Kashunik, Zangilan to Kavsakan. It has also attempted to introduce the important old Albanian religious monuments – Khotabank in Kalbajar (VI-VII centuries), V-XI century monuments in Lachin, the church in Kangarly Village of Akhdam as Armenian monuments. The old Albanian writings on these monuments, ornaments on the walls and crosses have been replaced with Armenian symbols.⁶⁰ In these excavations in Akhdam territory, more than 15 famous kurgans (tombs) related to Khojali culture were destroyed and the obtained evidences were taken to Armenia. Restoring the Shahbulaq Palace complex in Akhdam region, the establishment of the museum called “Tigranakert” was announced. The opening of the museum was solemnly celebrated and the news regarding it was distributed via internet websites.⁶¹

58 “Ermənistan-Azərbaycan münaqişəsi mətbuatda,” № 9 (2004), 72.

59 “Письмо представителя Азербайджана при Организаций Объединенных Наций от 28 февраля 2005 года на имя Генерального Секретаря...,” 110.

60 “Письмо представителя Азербайджана при Организаций Объединенных Наций от 28 февраля 2005 года на имя Генерального Секретаря...,” 110.

61 “Ermənilər Ağdamda “Tigranakert” muzeyi yaradıblar,” *Musavat.com*, May 13, 2011, http://musavat.com/news/kivdf-layiheleri/ermeniler-agdamda-tigranakert-muzeyi-yaradiblar_100410.html

2) IMPORTANCE OF THE TOPIC

For the first time, the factors that provide ground for the UN Security Council to recognize Armenia as an aggressor state have been researched comprehensively and the relevant evaluations have been done. The UN Security Council is the only organization capable of applying coercive action against an aggressor state. For this to be done, the aggressor state must first be identified.

The Security Council has adopted 4 resolutions related to NK conflict. In none of these resolutions has the aggressor party and self-defensive party been defined. Armenia has been hiding its aggressive policy from the beginning of the conflict under the argument of defending the people of the NK. In connection to this, Armenia has supplied false information to the world community by claiming that NK territory has historically belonged to Armenia and that NK Armenian inhabitants are under the threat of Azerbaijan government.

Armenia has taken advantage of the fictitious NKR administration to conceal its aggressive plans and has made initiatives for the fictitious NKR to engage in negotiations with Azerbaijan as an independent state. Skillfully using of members of the Armenian diaspora in world's most influential countries, Armenia has been able to affect the policy of such states, giving false information to the UN Secretary-General about discrimination of the national minorities in Azerbaijan and attempting to damage Azerbaijan's international reputation.

In order to avoid being designated as an aggressor state, Armenia has concealed its aggressive policy by blaming Turkey for intervening in the conflict. Stating that in response to Turkey defending the interests of Azerbaijan, Armenia claims that is justified in defending NK Armenians.

Armenia has skillfully dodged being defined as an aggressor using strong disinformation, even resorting to attempts at emotional blackmail.⁶² This happened, for example, when Azerbaijan accused Armenia for being an aggressor party in international summits. Amidst statements and objections involving President of Azerbaijan Haydar Aliyev and President of Armenia Levon Ter-Petrosyan during the OSCE Lisbon Summit in 1996, Ter-Petrosyan

⁶² R.B. Dadaşova, "Ermənistanın 'Dezinformasiya Müharibəsi'nin Münaqişənin Nizama Salınmasına Təsiri" (Gənc Alimlərin I Respublika İnnovativ İdeya Yarınması çərçivəsində keçirilən "Gənc alim və tədqiqatçıların innovativ inkişafı üçün intellektual potensialın stimullaşdırılması və təkrar istehsalı" adlı konfransın materialları, Bakı, November 18-23, 2010), 282-285.

stated that massacres had been committed against Armenians in Azerbaijan during 1988-1991, and these were being continued.⁶³ Ter-Petrosyan statement shows that Armenia attempted to use the accusations of Armenians' being subjected to massacres to divert the international community's attention away from its own aggressive policy against Azerbaijan.

The main reason of the conflict having remained unsolved is the failure to identify Armenia as an aggressor state. Despite this however, various international documents have confirmed the occupation of the territory of Azerbaijan by Armenia. The occupation of Azerbaijani territories by Armenia

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is stated in the UN Committee on Elimination of The Racial Discrimination's final document of 12 April 2001, in the 22 December 1997 dated final document of the Committee on Economic, Social and Cultural Rights related to Azerbaijan, in reports of the US State Department's international organization on prevention of crisis in NK.⁶⁴ However, the UN Security Council is the only organization capable and authorized to apply coercive action against an aggressor state. For doing this, the Security Council must first recognize Armenia as an aggressor state.

Investigations confirm that, all acts listed in the Resolution number 3314 (1974) of UN General Assembly have been applied against Azerbaijan by Armenia. For this reason, the facts outlined in this article are crucial in creating a convincing argument for the Security Council to go ahead and designate Armenia as an aggressor state.

3) COUNTER OPINIONS

Works of some foreign investigators have created false impressions in the world public opinion about the Armenian-Azerbaijani conflict. For example, in the book titled "Ethnic cleansing in progress: war in Nagorno Karabakh" written by Caroline Cox and John Elbern, Azerbaijan is described as the aggressor state instead of Armenia, and NK Armenians are introduced as the first victims of this conflict.

63 Əliyev H.Ə. *Müstəqilliyimiz əbədidir: 46 kitabda*, 8-ci kitab (Bakı: Azərneşr, 1998): 127.

64 *Сборник документов ООН...*, 335-337.

It is claimed in the book that Azerbaijan attacked the Nagorno-Karabakh Autonomous Oblast and Armenian villages of its Shaumyan (From 29 April 1992 it has been called as Ashaghi Aghcakand, its historical name) region with 4th Soviet Army, that thousands of Armenian people live as refugees in NK, that Nagorno-Karabakh and Armenia are subjected to a blockade and that this creates constraints for humanitarian aids to be given to the inhabitants of NK, that Azerbaijan has used its military capabilities against civilian inhabitants, that it has killed women, children, and elderly during its alleged aggression. Emphasizing the interests of Turkey, Russia, and Iran in NK, the authors argue that Turkey is taking advantage of Azerbaijan for the continuation of the “Armenian Genocide” and that it agitates for the continuation of the NK conflict. However, when the sources of this book are analyzed, it can be seen that the book’s arguments are, in essence, based on Armenian sources, demonstrating the biased perspective with which the book has been written.⁶⁵

CONCLUSION

Summarizing the above, it should be noted that the UN Security Council is the only organization capable of implementing a coercive mechanism against an aggressor state. This is reflected in the regulations of the UN. The state of Armenia, by making decisions regarding annexation the Nagorno-Karabakh to its territory, the direct participation of Armenian armed forces in the occupying of the lands of Azerbaijan, the provision of the Nagorno-Karabakh Armenians with military ammunition by the state of Armenia, the expulsion of the Azerbaijanis from their own lands by Armenia through acts of terror, the carrying out of an ethnic cleaning policy, the use of scorched earth policy in the occupied lands, the keeping of military captives and hostages in its lands, the active work of the state for the transferring of Armenian people to the occupied regions to change the demographic balance, the embezzling of the natural resources of the occupied lands, the replacement of the toponymies with Armenian names in the occupied lands, and the changing of the historical and cultural monuments give ground for defining of Armenia as an aggressor state for the UN Security Council and for the application of appropriate economic and political sanctions against it.

65 Caroline Cox and John Eibner, *Ethnic Cleansing in Progress: War in Nagorno Karabakh* (Institute for Religious Minorities in the Islamic World, 1993).

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