



# Türkiye Barolar Birliđi Başkanlıđı

41870694-721

Ankara, October 21<sup>th</sup>, 2020

**Mr. Ranko Pelicarić**  
**President**  
**Council of Bars and Law Societies of Europe**

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Dear Mr. Pelicarić,

We are sadly informed of the October 13, 2020-dated appeal of the Armenian Chamber of Lawyers that makes a call to “condemn Azerbaijan and Turkey strongly.” That appeal, not based on facts or evidence, is worded with false and fabricated allegations against Azerbaijan and Turkey. These allegations, of course, could not be substantiated with any facts or the truth.

Like all professional organizations of law would normally uphold the rule of law, the Armenian Chamber of Lawyers should also be acting in the same way. Instead, the mentioned professional organization has acted as if it is a radical political party. If the Armenian Chamber of Lawyers really would like to act in accordance with the fundamental principles of law and the international law, they should really be condemning the unjust occupation Armenia had carried out so far and Armenia’s armed hostilities targeting the civilians. The mentioned organization’s statement that bears the character of slander mentions Turkey in its content and heavily breaches the code of professional ethics by doing so.

The CCBE is the European-wide overarching organized body of the profession of defense. CCBE is, for certain, liable to protect its credibility in every statement it makes and in every operation it engages itself with, therefore, we really are not expecting at this point that CCBE would hold such ungrounded and abstract allegations that lack tangible evidence as eligible matters of concern. Nevertheless, we kindly would like to bring to your attention the following considerations to be able to contribute to any discussions or evaluations that can be made with regard to this issue.

Armenia has persistently kept on breaching the international law. Lately, Armenia has also breached the ceasefire that was agreed upon by the two states. In this context, it is seen that Armenia has launched a bloody attack that extends the Nagorno-Karabakh region and that goes far beyond the real zone of contact, finally targeting the civilian settlements of Azerbaijan. With these attacks, Armenia has already massacred many innocent Azerbaijani citizens including women, elderly people and children.

At this point, it is important to remind the statements of the Azerbaijani and the Russian leaders. In his statement addressing the world opinion, the Azerbaijani President İlham Aliyev has made a call to urgently “provide evidence to all ungrounded allegations” made so far. The Russian President Putin has already responded the Armenian Prime Minister Pashinyan who requested assistance from Russia.



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Putin's response that also appeared in the international news agencies clearly stated "The hostilities are taking place on the land that does not belong to Armenia." (milliyet.com.tr/dunya/Rusya-de)

On the other hand, it should not be forgotten that the Security Council of the United Nations has ordered decisions on Nagorno-Karabakh region, where Armenia has maintained the status of an occupier so far, which were indeed in favor of Azerbaijan in the months of April, June, October and November of 1993. By these orders, the UN had ratified that those lands belong to Azerbaijan. Armenia, totally disregarding the decisions of the international organizations, has continued since then its occupation on Azerbaijani land that comprises the one-fifth of the whole of Azerbaijan and that includes the Nagorno-Karabakh and its seven districts (Rayon.)

Consequently, over one million Azerbaijani citizens, threatened with life by use of arms, were finally doomed to live a life of displacement, deprived of their homeland where they were born in and grown up.

The following decisions and statements that emphasize the territorial integrity of Azerbaijan and that ask to Armenia to withdraw from the Azerbaijani land it had occupied should be remembered:

- The OSCE summit of Organization for Security and Cooperation in Europe, in Lisbon in 1996.
- The decision issued by the European Council in 2005.
- The statements of the State Department of the USA and the foreign ministry of Germany in 2006.
- The NATO Riga Summit in 2006.
- The decision the German Parliament upheld in 2009.
- The decision the European Parliament issued in 2010.
- NATO Chicago Summit in 2012.
- The decision the European Parliament issued in 2013.

Taking into account these clear decisions issued and these statements made by the international organizations, it would be a mistake to even open an international debate that would attempt to discuss the legitimacy of Azerbaijan's position. A contrary move in that regard would ultimately encourage the aggressor, Armenia, who has caused big massacres and human tragedies so far.

As the Union of Turkish Bar Associations, we always take side of the solutions that fall within the sphere of law. It is thereby lawful and legitimate that Azerbaijan is defending its homeland and the security of life and property of its citizens in the face of the unacceptable Armenian atrocity. This defense of Azerbaijan actually falls within the scope of the "legitimate self-defense" mentioned in the Article 51 of Chapter VII of the UN Charter that is titled "Threats to the Peace, Breaches of the Peace, and Acts of Aggression." As urged by principles of fairness, with this letter, we are presenting this truth to the concern of the international public once again.

To us, attaining peace in the Caucasus is strongly linked to solving the Nagorno-Karabakh conflict paying due regard to the internationally recognized boundaries of Azerbaijan and its territorial integrity, and also acting in accordance with the decisions of United Nations Security Council and the OSCE. This can be realized when Armenia totally withdraws from the Azerbaijani land it had occupied.

Briefly, the core trigger of the conflict lies in the fact that Armenia had kept the Nagorno-Karabakh region and its environs, which has been undisputedly recognized as Azerbaijani territory by the international law, under its illegal occupation for years on. In other words, the issue stems from



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Armenia's occupation of land in a way that totally disregards the international law and from Armenia's persistent aggression. The efforts, in the first place, of the UN, the OSCE, NATO and the MINSK Group, and of the international organizations, have only proved to be ineffective calls for condemnation and moderation which unfortunately brought no solution to the issue.

Despite that the Foreign Ministers of Azerbaijan and Armenia reached a ceasefire at the meeting held in Moscow upon invitation from Russia, Armenia's continuation of bombing the Azerbaijani cities and the civilian targets, showed the level of Armenia's hostility very clearly once again to the world.

It is also not a mere coincidence that Armenia's attack in July 12, 2020 on the city of Tovuz, a place through which Azerbaijani oil and natural-gas pipelines pass, is followed today by Armenia's directing its aggression on the Nagorno-Karabakh region. Moving forward from this fact, we now come to believe that the real intention of Armenia is to "reinforce as well as expand its de facto dominance on the Azerbaijani territory it had occupied so far." Moreover, we hold the view that Armenia is also aiming to steer world's attention away from this occupation mentioned and from the 1992 Hodjali massacre it had earlier caused. When we pay attention to Armenia's hostile attitude towards Azerbaijan to date, we also come to believe that one of Armenia's goals is to "prevent a possible CCBE membership of the Azerbaijani Bar Association."

At the same time, it should be noted that these illegal aggressive acts of Armenia, -openly breaching in the first place the articles on crime of aggression, then the articles on the crimes against humanity and the war crimes defined in The Rome Statute which is adopted in July 1, 2002-, may fall in the jurisdiction of the International Criminal Court (ICC).

With this respect, we hope that the CCBE, in its possible evaluations of the subject matter of the appeal that is sent, shall pay regard to the following clear regulations of The Rome Statute:

Following Armenia's occupation of the Azerbaijani Nagorno-Karabakh region, over one million people, comprised of the civilian population residing in the region including the Azerbaijani nationals, were forcibly displaced as a result of acts that openly breached the Rome Statute's stipulation defining "the forced displacement of the persons by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law," mentioned under Article 7/1-(d), which is titled as "Deportation or forcible transfer of population."

The ongoing attack of Armenia on the Azerbaijani land, primarily targeting the civilian settlements, is the embodiment of the Crime of Aggression mentioned in the Article 8 bis of the Rome Statute.

The acts committed by the Armenian authorities and the armed forces are at the same time violating the Article 8/2-i and iv of the "War Crimes" section of the Rome Statute.

At this point, we would like to ask the international community the following legitimate questions: Based on which international law, Armenia, who is attacking in a planned manner and non-stop the civilian population with heavy weapons, including the banned weapons, is continuing its occupation on Nagorno Karabakh, a land that belongs to Azerbaijan? Will the international community remain silent in the face of this occupation and the repeating pattern of aggression?

Where violence prevails, one cannot mention any presence of the rule of law. With that in mind, we kindly ask the CCBE to delineate the different positions of the victim and the aggressor. Otherwise, the aggressor would be encouraged further, and the victim will be victimized once again. This, on the contrary, will harm the peace efforts.



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We do hope that, with valuable contributions of CCBE to the issue among others, the occupation of Armenia in the region will finally come to an end. We really hope that we can all witness the start of a new period in the Caucasus where friendship, peace and brotherhood will prevail.

We hereby would like to reiterate the value we place on our cooperation.

With our best wishes,

Sincerely yours,

**Prof. Dr. Metin Feyziođlu, Esq.**  
**President of the Union of Turkish Bar Associations**