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Human rights situations that require the Council's attention

Note verbale dated 4 March 2013 from the Permanent Mission of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the President of the Human Rights Council

I would like to address you in connection with the latest mass media reports on the deliberate settlement of Syrian refugees of Armenian descent in the occupied territories of the Republic of Azerbaijan.

According to such reports, a number of families of Syrian refugees of Armenian origin have been deliberately settled in the occupied territories of the Republic of Azerbaijan by Armenia.

In parallel to the serious violations of international human rights and humanitarian law caused by such actions, the Republic of Armenia insolently continues its unlawful policy and practice aimed at consolidating the consequences of its armed aggression against Azerbaijan and maintaining the current status quo, the unacceptability of which has been several times stated by the co-chairpersons of the Minsk Group of the Organization for Security and Cooperation in Europe.

In this regard, I would highly appreciate it if you could kindly circulate the present letter and the annex thereto* as a document of the twenty-second session of the Human Rights Council, under agenda item 4.

(signed) Dr. Murad N. Najafbayli
Ambassador, Permanent Representative

* Reproduced in the annex as received, in the language of submission only.

Annex

[English only]

It is well-known that the ongoing armed conflict between the Republic of Armenia and the Republic of Azerbaijan in and around the Nagorno Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and has made approximately one out of every nine persons in the country an internally displaced person (IDP) or refugee. Currently, there is not a single Azerbaijani remaining in present-day Armenia of the more than half million Azerbaijani people who lived there when Soviet rule was established in the region. Hence, at the end of 1980s, about 250.000 Azerbaijanis remaining in Armenia were also forcibly deported from their homes.

It is clear that due to Armenian military operations and occupation of Azerbaijani territories, ethnic Azerbaijanis were forced to leave their homes and possessions in these territories and permission to return is refused. The military action taken by Armenia and those for whom it bears international responsibility on the territory of Azerbaijan served the aim of creating a mono-ethnic culture there, both by expelling the indigenous ethnic Azerbaijani population and by refusing to permit their return (International Crisis Group Report of 14 September 2005).

The discriminatory displacement from the occupied territories of Azerbaijan is reflected by the demographic changes. According to the International Crisis Group (International Crisis Group Report of 14 September 2005) and the Directorate General of Political Affairs of the Council of Europe (Appendix IV to the report of the Political Affairs Committee to the Parliamentary Assembly of the Council of Europe) there are “virtually no Azerbaijanis left” in Nagorno-Karabakh. The United States Committee for Refugees and Immigrants stated in its country report on Azerbaijan (World Refugee Survey 2001, country report on Azerbaijan) that: “Because Armenian forces continue to control Nagorno-Karabakh and six surrounding provinces that make up about 20% of Azerbaijan’s territory, the vast majority of the displaced [Azerbaijanis] cannot return to their home regions.”

Despite the fact of 20% of its territories having been occupied and the grave and serious consequences for the people and Government of Azerbaijan emanating from the military aggression by the neighbouring country being still in place, the Government of the Republic of Azerbaijan continues its efforts in order to advance livelihood opportunities of IDPs and refugees in Azerbaijan. These endeavours aimed at alleviating the suffering of refugees and IDPs were highly valued by the Representative of the Secretary General on the human rights of internally displaced persons in his report: “the Government of Azerbaijan has made significant progress in improving many aspects of the lives of IDPs since his visit to the country in 2007.” (A/HRC/16/43/Add.2). The same attitude was shown to this matter by the High Commissioner for Refugees, Mr. António Guterres during his visit to the Republic of Azerbaijan in May 2011 and as well as the within the ensuing sessions of the Executive Committee of UNHCR.

However, it should be noted that neither the provision of expelled Azerbaijani population with accommodation facilities, nor the solution of their social problems will address the root causes of their forceful displacement. In the very report, the mandate on the human rights of IDPs of the Human Rights Council in his conclusions and recommendations has rightly pointed out to the voluntary return as the preferred solution for the majority of IDPs in Azerbaijan and renewed his appeal to the international

community to strengthen their efforts to achieve a peaceful solution to the conflict between the Republic of Armenia and the Republic of Azerbaijan and implement the UN Security Council resolutions calling for the withdrawal of occupying forces and secure the return in safety and dignity of displaced persons to their places of origin. The resolution adopted by the UN General Assembly entitled “The situation in the occupied territories of Azerbaijan” dated 14 March 2008 has also once again “reaffirmed the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to their homes, and stressed the necessity of creating appropriate conditions for this return” (A/RES/62/243).

Against this background, the policy and practice of the Republic of Armenia testifies to its intention to change the unacceptable status-quo further in its favour through various illegal activities in the occupied territories of the Republic of Azerbaijan. In its attempts to consolidate the unacceptable results of its armed aggression against Azerbaijan, the Republic of Armenia has long ago embarked on the implantation of the civil population of Armenian origin in the occupied territories of Azerbaijan in a clear and serious violation of the relevant provisions of the international human rights and humanitarian law instruments, including those of Geneva Convention IV.

In that regard, article 49, paragraph 6 of Geneva Convention IV provides that “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. This is regarded as a “grave breach” pursuant to article 85 (4) (a) of Additional Protocol I, 1977, and as a war crime in article 8 (2) (b) (viii) of the Rome Statute.

The fact-finding and field assessment missions by the Organization for Security and Cooperation in Europe (OSCE) in the occupied territories of the Republic of Azerbaijan conducted on the initiative of Azerbaijan in 2005 and 2010 have well attested the settlement of ethnic Armenians to these regions from various countries. It should be noted that the officials of the Office of the United Nations High Commissioner for Refugees have also attended the last mission. The missions concluded that about 14,000 Armenian settlers had replaced 750,000 Azerbaijanis forced to leave. The co-chairs of the OSCE Minsk Group discouraged any further settlement of the occupied territories of Azerbaijan and urged the parties to refrain from any activities in those territories that would change the demographic, social or cultural character of the areas affected by the conflict (such as continued illegal settlement, infrastructure developments, economic exploitation, cultural changes, etc.) and would make it impossible to achieve a peaceful settlement.

Despite efforts made by the international community generally to condemn and discourage settlement of the occupied territories and to call for the prohibition of changing the demographic structure of the region, such settlement has continued in the occupied territories of the Republic of Azerbaijan. Together with the forcible displacement of ethnic Azerbaijanis, the settlement of ethnic Armenians in the occupied territories of Azerbaijan, in a clear violation of international law, alters the demographic balance in a discriminatory manner.

In this regard, the Government of Azerbaijan would like to draw the attention of the international community to the latest reports about the illegal transfer of Syrian Armenians into the Nagorno Karabakh region and other occupied territories of Azerbaijan.

According to mass media reports, among those Syrian Armenians arrived in Armenia, a number of families have moved further to the occupied territories of Azerbaijan and settled mostly in the Lachin district, an occupied area between the Nagorno Karabakh

region of Azerbaijan and Armenia itself. In order to encourage the Syrian Armenians to deliberately and intentionally settle in the occupied territories, various incentives are provided for them, such as free housing, social infrastructure, inexpensive or free utilities, tax exemptions, plots of land, advantageous loans, money and livestock by the Armenian side.

In other words, while the international community is focused on searching for ways out of the Syrian crisis, the suffering facing the people of that country are being utilized to further complicate the situation and peace efforts in another region. No doubt attempts to address the needs of refugees from Syria at the expense of hundreds of thousands of Azerbaijani displaced persons, living with the hope of returning to their homes, are illegal and cannot be tolerated nor accepted under any circumstances. Such an irresponsible and provocative policy has no chance to succeed. These territories are internationally recognized as being part of Azerbaijan, and Armenia will be obliged to completely withdraw its armed forces from there and wipe out all the consequences of its illegal actions, including settlements.

The Government of the Republic of Azerbaijan hence expresses its deep concern over the mentioned mass media reports. The Government believes that abusing the vulnerable conditions of refugees fleeing the ongoing crisis in Syria though their treatment as “required tools” for the achievement of political gains is both illegal and immoral. Such attempts must be prevented in the face of the unified and strong voice of the international community. In that regard, the Government of the Republic of Azerbaijan request all Member States, the Office of High Commissioner for Human Rights, the Office of High Commissioner for Refugees, as well as the relevant special mandate holders of the Human Rights Council to give careful consideration to ongoing settlement activities in the occupied territories of Azerbaijan and to take all necessary measures to prevent any further settlement of those territories and ensure that those who have already moved there are immediately and unconditionally resettled.
