



Human Rights Council**Forty-first session**

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Agenda item 4

Human rights situations that require the Council's attention**Note verbale dated 12 July 2019 from the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights**

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and has the honour to draw attention to the settlement activities that are carried out by the Republic of Armenia in the occupied Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region.

Over the past years, the transfer of Armenian settlers from the Republic of Armenia and from elsewhere into the occupied territories of the Republic of Azerbaijan, including the districts surrounding the occupied Nagorno-Karabakh region of the Republic of Azerbaijan, in particular the occupied districts of Lachyn, Kalbajar, Gubadly, Zangilan and Jabrayil, has continued with an accelerating pace. The settlement activities in the occupied territories are carried out in a pre-planned and organized manner.

As a result of the settlement activities that have been carried out by the Republic of Armenia after the occupation and ethnic cleansing of the territories of the Republic of Azerbaijan, the economic, social and cultural rights, among others, of the Azerbaijani population expelled from their homes and properties have been violated.

A scheme of subsidies and incentives has been put in place by the Republic of Armenia to encourage Armenian settlers to move to the occupied territories of the Republic of Azerbaijan.

Armenian sources state that the number of settlers in the occupied territories of the Republic of Azerbaijan has increased progressively as a result of the settlement activities carried out by the Republic of Armenia.

According to article 49 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, “the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”.

This constitutes the basis and expression of a rule of law prohibiting the establishment of settlements in the occupied territories consisting of the population of the occupying power or of persons encouraged in any way by this power, directly or indirectly, to settle in these territories with the intention, expressed or otherwise, of changing the demographic balance.

Moreover, the authoritative International Committee of Red Cross commentary states that “[article 49 (6)] is intended to prevent a practice adopted during the Second



World War by certain Powers, which transferred portions of their own population to occupied territory for political and racial reasons or in order, as they claimed, to colonize those territories”.

In paragraph 120 of its advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice noted that the above-mentioned provision “prohibits not only deportations or forced transfer of population such as those carried out during the Second World War, but also any measures taken by an occupying Power in order to organize or encourage transfers or parts of its own population into the occupied territory”.

The Republic of Armenia violates its obligations under international law by conducting a policy and developing practices to establish settlements in the occupied territories of the Republic of Azerbaijan. Over the period since the beginning of the conflict, significant numbers of Armenian settlers have been encouraged to move to the occupied areas depopulated of their Azerbaijani inhabitants.

Plainly, settlements established in the occupied territories of the Republic of Azerbaijan are illegal because the designation to expand the economic and political penetration of the Republic of Armenia in those territories prevents the expelled Azerbaijani population from returning to their homes and thus imposes the results of the unlawful use of force.

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva kindly requests the Office of the United Nations High Commissioner for Human Rights to circulate the present note verbale as a document of the forty-first session of the Human Rights Council, under agenda item 4.
