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Point 4 de l'ordre du jour

**Situations relatives aux droits de l'homme
qui requièrent l'attention du Conseil**

Note verbale datée du 21 février 2022, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de l'Arménie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République d'Arménie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève a l'honneur de transmettre par la présente une déclaration faite par le Ministère arménien des affaires étrangères sur les arrêts rendus par la Cour internationale de Justice (voir annexe).

La Mission permanente de l'Arménie prie le Haut-Commissariat des Nations Unies aux droits de l'homme de bien vouloir faire distribuer la présente note verbale et son annexe* en tant que document du Conseil des droits de l'homme, au titre du point 4 de l'ordre du jour.

* L'annexe est reproduite telle qu'elle a été reçue, dans la langue de l'original seulement.



**Annexe à la note verbale datée du 21 février 2022, adressée
au Haut-Commissariat des Nations Unies aux droits de
l'homme par la Mission permanente de l'Arménie
auprès de l'Office des Nations Unies à Genève**

**Statement by the Foreign Ministry of Armenia dated 8 December 2021
regarding the orders issued by the International Court of Justice**

On December 7, International Court of Justice issued its orders on the requests for provisional measures made by Armenia and Azerbaijan in the proceedings instituted by Armenia against Azerbaijan and the counterclaim of Azerbaijan against Armenia under the “International Convention on the Elimination of All Forms of Racial Discrimination” (CERD).

The orders reflect the Court’s acceptance of numerous critical arguments raised by Armenia, and the validation of its positions before the Court.

In its request for provisional measures, Armenia presented evidence of Azerbaijan’s racially motivated murders and torture of the Armenian prisoners of war and other detainees, as well as of its consistent policy of racial hatred of Armenians and destruction of Armenian cultural heritage.

The Court found that there is an imminent risk of irreparable harm to the rights of the Armenians under the “International Convention on the Elimination of All Forms of Racial Discrimination”, and ordered Azerbaijan to:

1. “Protect from violence and bodily harm all persons captured and remained in detention in relation to the military conflict of 2020, as well as ensure their security and equality before the law”;
2. “Take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin”;
3. “Take all necessary measures to prevent and punish acts of vandalism and desecration towards Armenian cultural heritage, including churches and other places of worship, monuments, landmarks, cemeteries and artifacts”.

It should be noted that during the oral proceedings on Armenia’s request for provisional measures the Court took full cognizance on the representation made by the agent of Azerbaijan that the mannequins depicting Armenian soldiers and displays of helmets worn by Armenian soldiers during the Second Nagorno-Karabakh War have been permanently removed from the so-called “Military Trophies Park” and will not be shown in the future.

It is also noteworthy that Azerbaijan has been explicitly obliged by the Court to take all necessary measures to prevent discrimination and its incitement “including by its officials and public institutions.”

The Armenophobic rhetoric consistently espoused by the highest leadership of Azerbaijan, the inhumane treatment of Armenians under Azerbaijan’s control or jurisdiction, and the destruction and desecration of the Armenian cultural and religious heritage are insurmountable obstacles to the de-escalation of the situation and peaceful development of the region.

The Court’s orders on provisional measures recognize these realities and create legally binding obligations under international law to address them.

Armenia will consistently pursue Azerbaijan’s compliance with the Court’s orders, and will inform the Court of any violation.

The Court’s order once again reaffirms the legitimacy of the concerns raised by the Armenian side during this period regarding the prisoners of war and other detainees, endangered Armenian historical and cultural heritage in the territories of Artsakh fallen under the Azerbaijani control, as well as the Armenophobic rhetoric of Azerbaijan.

The Ministry of Foreign Affairs of the Republic of Armenia draws the attention of the OSCE Minsk Group Co-Chairmanship and other international partners to the orders of the UN International Court of Justice and calls to continue undertaking efforts for the comprehensive addressing of the identified issues.
