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**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Communication de la Défenseuse des droits de l'homme de la République d'Arménie*

Note du secrétariat

Le secrétariat a l'honneur de transmettre au Conseil des droits de l'homme une communication soumise par la Défenseuse des droits de l'homme de la République d'Arménie**, qui est distribuée conformément à l'article 7 b) du Règlement intérieur du Conseil (voir résolution 5/1, annexe) et selon les modalités et les pratiques que la Commission des droits de l'homme a arrêtées dans sa résolution 2005/74.

* Institution nationale des droits de l'homme accréditée avec le statut « A » par l'Alliance mondiale des institutions nationales des droits de l'homme.

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



Annexe

Communication de la Défenseuse des droits de l'homme de la République d'Arménie

Written statement of the Human Rights Defender of Armenia on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

I very much appreciate the work of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination. In this regard, I would like to express my gratitude to the Working Group on its visit to Armenia, and the subsequent report which was prepared. As the Human Rights Defender of Armenia, I highlight and stress the importance of conducting *in situ* fact finding activities, as a better understanding on the ground is absolutely necessary to ensure an effective protection and guaranteeing of human rights.

The use of mercenaries in armed conflict more often than not leads to the worsening of the humanitarian situation on the ground, gross human rights violations, and the prolongation and intensification of the conflict, and further human sufferings. Thus, the use of mercenaries in armed conflicts is prohibited in international law, through legally binding international treaties, such as the UN Mercenary Convention and Protocol Additional (I) of the Geneva Conventions.

More specifically, it is well documented that the Azerbaijani authorities recruited and used mercenaries during the 44-day Nagorno-Karabakh (Artsakh) War in 2020, leading to gross violations of human rights and International Humanitarian law, such as summary executions of PoWs and civilian captives, enforced disappearances, destruction of civilian infrastructure, and other war crimes, and crimes against humanity. In this regard, the Defender's Office addressed several letters to the Working Group during the conflict.

I would like to also thank the Working Group on Mercenaries, and other independent experts of the United Nations Special Procedures for the release of a public statement in November 2020, regarding the recruitment, transportation, and use of foreign mercenaries in Nagorno-Karabakh. Highlighting issues related to gross violations of human rights and international humanitarian law is a prerequisite for the creation of an effective system of human rights protection.

As the only national human rights institution of Armenia, I join the call of the Working Group to the Government of Armenia to adopt a victim center approach to ensure that victims of mercenarism have an effective access to justice and remedies, and that accountability is ensured. Furthermore, I express my readiness, and that of the Defender's Office of effective cooperation with the Working Group on mercenaries to improve the situation of human rights protection.
