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Conseil des droits de l'homme

Vingt-quatrième session

Points 3 et 4 de l'ordre du jour

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

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

Lettre datée du 24 juillet 2013 adressée au Président du Conseil des droits de l'homme par le Représentant permanent de la République d'Azerbaïdjan auprès de l'Office des Nations Unies et des autres organisations internationales à Genève

Je souhaiterais attirer votre attention sur la question des visites illégales dans la région occupée du Haut-Karabakh et autres territoires limitrophes de la République d'Azerbaïdjan.

Je vous serais donc très reconnaissant de bien vouloir faire distribuer la présente lettre et son annexe* en tant que document de la vingt-quatrième session du Conseil des droits de l'homme, au titre des points 3 et 4 de l'ordre du jour.

L'Ambassadeur, Représentant permanent
(Signé) Murad N. Najafbayli

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

Annexe

[Anglais seulement]

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 or refugee. As it is well-known, almost 20 per cent of the internationally recognized territories of the Republic of Azerbaijan, including its Nagorno Karabakh region and seven adjacent districts still remain under illegal occupation of the armed forces of the Republic of Armenia, which conducted total ethnic cleansing against the original Azerbaijani population. Due to the occupation, almost 1 million Azerbaijanis are still deprived of their inalienable right to return and enjoy their homes and properties both in the Republic of Armenia per se and the occupied territories of the Republic of Azerbaijan.

In that regard, it should be reminded that the Republic of Armenia bears the primary responsibility for unleashing the war against the Republic of Azerbaijan, occupying its territories, committing the most serious crimes of concern to the international community during the conflict, carrying out an ethnic cleansing on a massive scale and establishing the ethnically constructed subordinate separatist entity on the occupied territories of Azerbaijan.

It has been internationally recognized that the territories of Azerbaijan are under occupation. In 1993, the United Nations Security Council adopted resolutions 822, 853, 874 and 884 condemning the use of force for the acquisition of territory and reaffirming the sovereignty and territorial integrity of the Republic of Azerbaijan. In these resolutions, the Security Council recognizes also that the Nagorno Karabakh region is a part of the Republic of Azerbaijan and calls for immediate, full and unconditional withdrawal of the occupying forces from all occupied territories of Azerbaijan. The United Nations General Assembly and other international organizations have adopted a similar position.

The illegality of the separatist entity and its structures, established by the Republic of Armenia on the occupied territories of the Republic of Azerbaijan has been repeatedly stated at the international level in the most unambiguous manner. This entity is entirely unrecognized as such, even by Armenia itself and is essentially under the direction and control of the Republic of Armenia.

Despite ongoing political efforts towards the negotiated settlement of the conflict on the basis of the generally accepted norms and principles of international law, the Republic of Armenia spares no effort to propagate the illegal regime established in the occupied territories of the Republic of Azerbaijan aiming at consolidation of the results of its continuous use of force against the territorial integrity and sovereignty of the Republic of Azerbaijan.

Thus, in its attempts to promote the illegal separatist entity at the international level, the Republic of Armenia uses each and every possibility to mislead the citizens of the foreign countries, in particular the staff and representatives of international organizations, as well as government officials, parliamentarians and media to visit the occupied Azerbaijani territories without the prior permission of the relevant Azerbaijani authorities. In almost all such instances, the Armenian side introduces the visits of foreigners to the occupied territories and their meetings with the separatist regime as allegedly reflecting “the growing international reputation and recognition” of the separatist entity.

The Government of the Republic of Azerbaijan has repeatedly stated in this regard that any visits by third-country nationals to the occupied Nagorno Karabakh region and surrounding territories of the Republic of Azerbaijan, without authorization of the Government of the Republic of Azerbaijan and their unsanctioned contacts with the separatist regime are unacceptable and unlawful *ab initio*. The Republic of Azerbaijan considers such visits and contacts by third-country government officials and parliamentarians, as well as by the staff and representatives of international organizations and media as unfriendly act directed against the sovereignty and territorial integrity of the Republic of Azerbaijan.

It is to be reminded that the subordinate separatist regime has been set up in the occupied territories of the Republic of Azerbaijan at the cost of incalculable human lives and sufferings. It has been established that acts of military force committed against the Republic of Azerbaijan amount to war crimes, crimes against humanity and other egregious violations of norms of general international law, in particular those of a peremptory character (*jus cogens*). Therefore, illegal visits to the Nagorno Karabakh region and other occupied territories of the Republic of Azerbaijan may be qualified as being tantamount to engaging in activities aimed at promoting the illegal separatist regime, advocating the culture of impunity for the most serious crimes of concern to the international community in the course of war and consolidating the results of the aggression by the Republic of Armenia against the Republic of Azerbaijan.

Moreover, as is known, a fragile ceasefire in the conflict between Armenia and Azerbaijan was put in place in May 1994. However, the Armenian side regularly and deliberately violates the ceasefire by attacking and killing Azerbaijani militaries as well as civilians residing in the territories adjacent to the front line. Over the last years, such violations and armed provocations have become more frequent and violent. Therefore, despite formal ceasefire, the Nagorno Karabakh region and other occupied territories of the Republic of Azerbaijan represent none other than a zone of ongoing hostilities, with active terrorist and related organized crime activity, and are also heavily mined. In this regard, it has to be reminded that the Government of the Republic of Azerbaijan is unable to guarantee personal security of those visiting these territories and third countries cannot offer consular services to their citizens there.

Taking into consideration the abovementioned, the Government of the Republic of Azerbaijan informs that the unauthorized illegal visits to the Nagorno Karabakh region and other occupied territories of the Republic of Azerbaijan run contrary to the norms and principles of the international law and national legislation, especially the Law on State Borders of the Republic of Azerbaijan. In this regard, the Government of the Republic of Azerbaijan has explicitly called the foreign nationals to refrain themselves from travelling to the occupied Azerbaijani territories without permission of the relevant authorities of the Republic of Azerbaijan. The Government of the Republic of Azerbaijan, through appropriate channels, declared that foreign nationals who illegally visited the occupied territories will be denied the entry to the Republic of Azerbaijan. This should be seen as a legitimate deterrence measure taken by the Republic of Azerbaijan in response to the violation of its state borders. Thus, third-country nationals visiting the Nagorno Karabakh region and other occupied territories of the Republic of Azerbaijan, without the prior authorization of the Government of the Republic of Azerbaijan, are included in the list of *persona non grata* (list of undesirable, unwelcome persons) and their entry to the Republic of Azerbaijan is denied.

The Republic of Azerbaijan expects that Governments, as well as intergovernmental and non-governmental organizations, media outlets will continue advising their citizens, including government officials and members of parliament, as well as personnel or staff members, as appropriate, against visiting the Nagorno Karabakh region and other occupied territories of the Republic of Azerbaijan, as well as will take additional measures, as may be

required, including through issuing special instructions and guidance, to prevent their citizens, including government officials and members of parliament, as well as personnel or staff members, as appropriate, from visiting these territories without prior authorization of the Government of the Republic of Azerbaijan.
