



General Assembly Security Council

Distr.: General
28 February 2023

Original: English

**General Assembly
Seventy-seventh session**

Agenda items 30, 66, 68, 70, 73, 84 and 132

Prevention of armed conflict

**Elimination of racism, racial discrimination, xenophobia
and related intolerance**

Promotion and protection of human rights

Report of the International Court of Justice

Responsibility of States for internationally wrongful acts

The rule of law at the national and international levels

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

**Security Council
Seventy-eighth year**

Letter dated 27 February 2023 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a letter from the Minister for Foreign Affairs of the Republic of Azerbaijan, Jeyhun Bayramov, with regard to the order on provisional measures issued by the International Court of Justice on 22 February 2023 and the ongoing non-fulfilment by Armenia of the Court's order of 7 December 2021, in the cases concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan and Azerbaijan v. Armenia, respectively)* (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 30, 66, 68, 70, 73, 84 and 132, and of the Security Council.

(Signed) Tofiq Musayev
Chargé d'affaires a.i.



Annex to the letter dated 27 February 2023 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

Letter dated 27 February 2023 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General

I write with regard to the order on provisional measures issued by the International Court of Justice on 22 February 2023 in the case concerning *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)*.

To start, Azerbaijan is committed to complying with the order of the Court and continuing to uphold its international legal obligations.

As you may already know, Armenia had requested the Court to indicate the following three provisional measures against Azerbaijan in the context of the alleged situation on the Khankendi-Lachin road in Azerbaijan:

(a) “Azerbaijan shall cease its orchestration and support of the alleged ‘protests’ blocking uninterrupted free movement along the Lachin Corridor in both directions”;

(b) “Azerbaijan shall immediately fully restore and refrain from disrupting or impeding the provision of natural gas and other public utilities to Nagorno-Karabakh”;

(c) “Azerbaijan shall ensure uninterrupted free movement of all persons, vehicles and cargo along the Lachin Corridor in both directions”.

The Court found the first two above-mentioned provisional measures unwarranted and thus rejected both measures in their entirety. In rejecting these requests, the Court’s order confirms that the allegations that Armenia continues to recklessly disseminate are not substantiated: Armenia failed to provide actual evidence in support of its allegations that the protests on the Khankendi-Lachin road by a group of Azerbaijani eco-activists “are orchestrated by the Government of Azerbaijan” and that “Azerbaijan has disrupted supply of natural gas and other public utilities (such as electricity and Internet)” to the area of temporary deployment of the Russian peacekeeping contingent.

As regards the third measure that Armenia sought, the Court declined to issue a measure in the form requested by Armenia. Instead, in its order of 22 February 2023, the Court took note of the agent’s statement of undertaking during the 30 January 2023 hearing that:

Azerbaijan has and undertakes to continue to take all steps within its power to guarantee the safety of movement of persons, vehicles and cargo along the Lachin road, including continued and regular engagement with the [International Committee of the Red Cross (ICRC)], communicating with and facilitating communications with Russian peacekeepers, taking steps to engage with local residents in Garabagh, and – if Armenia finally decides that it is indeed its problem and agrees to come to the negotiating table – with Armenia as well.

In the light of the evidence submitted by Azerbaijan, including its undertaking, the Court ordered the following:

The Republic of Azerbaijan shall, pending the final decision in the case and in accordance with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions.

The considered terms of the Court's order support Azerbaijan's long-standing position that it is not responsible for the protests of a group of civil society organizations, and Azerbaijan is not obligated to prevent them from exercising their legitimate right to protest.

The Court's order is also consistent with Azerbaijan's position that movement along the Lachin road is not envisaged to be the "uninterrupted free movement" of "all" persons, cargo and vehicles in the sense that Armenia has contended in its requested measure, namely without any control. Specifically, by declining to issue Armenia's requested measure, the Court's order is consistent with Azerbaijan's position that, under the trilateral statement of 10 November 2020 issued by Azerbaijan, the Russian Federation and Armenia, the road cannot be used for illegal military and economic purposes.

It has been and continues to be the principled position of Azerbaijan that the road is envisaged to be used only for "citizens, cargo and vehicles" for humanitarian purposes. As the party obliged to guarantee security of movement along the road, Azerbaijan is fully entitled to seek agreement on necessary control mechanisms to ensure that the Lachin road is used for the purposes for which it was envisaged. Accordingly, Azerbaijan has consistently highlighted the need for ensuring order and transparency in movements along the road, given the wide-ranging abuse of the road by Armenia. It has been repeatedly brought to the attention of the international community that the road is being abused by Armenia for the illegal movement of nationals of third countries into the territory of Azerbaijan, for the rotation of Armenia's armed forces illegally deployed to the territory of Azerbaijan, for the transfer of military equipment and armaments, including landmines, to the territory of Azerbaijan, and for the continued illicit trafficking of the natural resources of Azerbaijan.

Azerbaijan will comply with the measure indicated by the Court to take all measures at its disposal to ensure the unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions, and continues to be committed to promptly resolving all humanitarian needs that Armenian residents may have.

Azerbaijan, since the very start of the protests on part of the Khankendi-Lachin road by a group of peaceful demonstrators, has taken consistent steps at its disposal to settle the situation and to ensure security of movement along the road as it committed to do under the trilateral statement.

As I informed you in detail in my letter of 19 December 2022, neither the Republic of Azerbaijan nor the demonstrators have put any restriction on movement along the road. As a matter of fact, no civilian who has approached the place where the protest is taking place has been denied passage.

The regime for movement remains unchanged since then, as the peacekeeping contingent of the Russian Federation, deployed to part of the internationally recognized territory of the Republic of Azerbaijan under the said trilateral statement, remains in control of the road.

Although the road remains open for passage for humanitarian purposes, as envisaged under the trilateral statement, Azerbaijan continues to take seriously any possible negative impact of the situation under its control. The Government of Azerbaijan has been and continues to be in close contact with the ICRC office present

in Khankendi, Azerbaijan, and the peacekeeping contingent, and has been taking all measures at its disposal to meet any humanitarian need that might arise owing to the situation.

Thanks to measures taken in cooperation with ICRC and the peacekeeping contingent, since the start of the peaceful protest, close to 3,000 vehicles of the peacekeeping contingent, ICRC and local Armenian residents have passed along the road without any impediment. The same also applies to goods and vehicles. In fact, more than 60 per cent of all vehicles passing along the road are heavy duty trucks carrying food, medicines and other supplies for use by local residents. Azerbaijan has also communicated to ICRC its readiness to address any shortage of such supplies; while there has been no such need to date, Azerbaijan remains committed to meeting the humanitarian needs of its citizens of Armenian origin in the Garabagh economic region. Azerbaijan also continues to coordinate with ICRC as it facilitates the movement of persons in both directions for medical needs and family unifications.

In addition to these interactions with the peacekeeping contingent and ICRC, the central authorities of Azerbaijan will continue to engage in dialogue with local Armenian residents, offering another avenue to settle the issues pertinent to the organization of movement along the road.

On a different track, Azerbaijan has recently communicated to Armenia its proposal for establishing border checkpoints on the international border between Armenia and Azerbaijan at the beginning of the Lachin road. This has been publicly announced by the President of the Republic of Azerbaijan.

This proposal of Azerbaijan has been positively received by relevant international interlocutors as a credible and transparent mechanism for the smooth and secure operation of the Lachin road, and also as a confidence-building measure between the two countries in the context of the ongoing post-conflict inter-State normalization process.

Unfortunately, without providing any justification or reason, Armenia has publicly rejected this proposal, and continues actively to avoid negotiations with Azerbaijan to settle issues stemming from the abuse of the road. By so doing, Armenia demonstrates that it is not interested in transparency in movement along the Lachin road, especially as Armenia continues the dissemination of false allegations regarding the actual circumstances on the Lachin road, seeking to deceive the international community and stymie efforts to resolve the matter.

Azerbaijan continues to urge Armenia to cease its abuse of the Lachin road and engage in genuine negotiations to address concerns to that effect through direct talks with Azerbaijan. Azerbaijan calls on the international community to persuade Armenia to this end.

Using this opportunity, I also bring to your attention the ongoing non-fulfilment by Armenia of the Court's order of 7 December 2021 to "take all necessary measures to prevent the incitement and promotion of racial hatred, including by organizations and private persons in its territory, targeted at persons of Azerbaijani national or ethnic origin".

In blatant disregard for the binding measure indicated by the Court, organizations promoting racial hatred against Azerbaijan and Azerbaijanis, such as the Armenia-based organizations VoMA and POGA, continue to incite anti-Azerbaijani discrimination and hatred on the grounds of ethnic and national origin. Azerbaijan has brought Armenia's non-fulfilment of the provisional measure to the attention of the Court on numerous occasions since December 2021.

Nevertheless, open media sources provide clear evidence that VoMA, POGA and similar organizations enjoy impunity extended by public authorities of Armenia, are free to conduct numerous activities, such as military training, and are allowed to use social media to disseminate their racial hatred and recruit supporters. Of particular concern is the widescale recruitment of children into such training and other activities, which are used for racist propaganda. A separate report documenting these facts has been distributed as a document of the General Assembly and of the Security Council (see [A/77/714-S/2023/62](#)).

(Signed) Jeyhun **Bayramov**
