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**Security Council
Seventy-seventh year**

Letter dated 7 September 2022 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I write to inform you that, in accordance with paragraph 6 of the trilateral statement of 10 November 2020, signed by the President of the Republic of Azerbaijan, the President of the Russian Federation and the Prime Minister of the Republic of Armenia, the town of Lachin and the villages of Zabukh and Sus were returned to Azerbaijan on 26 August 2022.

As the liberation of the territories of Azerbaijan from occupation as a result of the 44-day war in the fall of 2020 put an end to the annexationist plans of Armenia and the illegal settlements that it implanted for this purpose in these territories, including Lachin and the aforementioned villages, we deem it important to point out the following:

As is known, the Lachin district of Azerbaijan bordering Armenia was attacked and occupied by the latter's armed forces more than 30 years ago – in May 1992. The population of Lachin, over 77,000 residents, was forced to leave their homes and properties, and the town and its surrounding villages were looted and burned by



invading troops.¹ It is worth mentioning that this came just a few days after the adoption by the Security Council of its first presidential note on the conflict, calling upon all concerned “to take all steps necessary to bring the violence to an end”.²

The Security Council subsequently adopted five other presidential notes and statements and four resolutions explicitly condemning the use of force against Azerbaijan and the resulting occupation of its territories; expressly reaffirming respect for the sovereignty and territorial integrity of Azerbaijan, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory; and demanding the immediate, complete and unconditional withdrawal of occupying Armenian forces from all the occupied territories.³

The responsibility of Armenia for violations of international law in the occupied territories of Azerbaijan, including in particular in the district of Lachin, was further recognized by the European Court of Human Rights in its judgment of 16 June 2015 in the leading case of *Chiragov and others v. Armenia*.⁴

However, these condemnations and demands, along with the objectives of the peaceful resolution of the conflict, were simply ignored by Armenia. On the contrary, over the period of occupation, Armenia has spared no effort to consolidate and cement the results of the aggression. Thus, after the expulsion of all Azerbaijanis – more than 700,000 people – Armenia facilitated the emplacement of significant numbers of its own nationals and the citizens of third countries of Armenian origin into the occupied territories depopulated of their Azerbaijani inhabitants, including the district of Lachin.

The policy of expelling Azerbaijanis and the implantation of Armenians into these territories, accompanied by attempts to change their cultural character and the ownership of land and property, was aimed at rendering the expulsion permanent and creating a mono-ethnic area devoid of any Azerbaijanis. By these actions, Armenia flagrantly violated international law.

Article 49 of Geneva Convention IV relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, provides that “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 by it with the intention, expressed or otherwise, of changing the demographic balance.

Settlements also constitute a grave breach of Additional Protocol I to the 1949 Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977,⁵ and amount to a war crime under international criminal law.⁶ In addition, population transfers are prohibited under international human rights law.⁷

¹ See, for example, Human Rights Watch/Helsinki, “Bloodshed in the Caucasus: escalation of the Armed Conflict in Nagorno Karabakh” (September 1992), p. 14; and *Chiragov and others v. Armenia*, application No. 13216/05, European Court of Human Rights (Grand Chamber), 16 June 2015, paras. 19 and 20.

² [S/23904](#) (12 May 1992).

³ Notes and statements by the President of the Security Council [S/24493](#) (26 August 1992), [S/24721](#) (27 October 1992), [S/25539](#) (6 April 1993), [S/26326](#) (18 August 1993) and [S/PRST/1995/21](#) (26 April 1995); and Security Council resolutions [822 \(1993\)](#), [853 \(1993\)](#), [874 \(1993\)](#) and [884 \(1993\)](#).

⁴ *Chiragov and others v. Armenia*, application No. 13216/05, European Court of Human Rights (Grand Chamber), 16 June 2015.

⁵ See article 85 (4) (a).

⁶ See article 8 (2) (b) (viii) of the Statute of the International Criminal Court.

⁷ See, for example, Committee on the Elimination of Racial Discrimination, decision 2 (47) of 17 August 1995, “The situation in Bosnia and Herzegovina”, [A/50/18](#) (1995), para. (a); Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, “Human Rights Dimensions of Population Transfer”, final report of Special Rapporteur Al-Khasawneh, [E/CN.4/Sub.2/1997/23](#) (27 June 1997); Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, “Freedom of movement and population transfer”, resolution 1997/29 (28 August 1997), [E/CN.4/Sub.2/1997/50](#), pp. 69–71.

Azerbaijan has been vigilant in bringing the attention of the international community to the acts of ethnic cleansing in its occupied territories and to Armenia's conduct of transferring ethnic Armenians to these territories.

At the request of Azerbaijan, in October 2004, the General Assembly decided to include in its agenda the item entitled "The situation in the occupied territories of Azerbaijan".⁸ In its memorandum explaining the pressing need for such a decision, Azerbaijan stated in particular the following:

In the meantime, illegal activities are currently being carried out in the occupied territories of the Republic of Azerbaijan, in particular by transfer of settlers in order to create artificially a new demographic situation in those territories.

In view of the far-reaching implications of such activities, which constitute dangerous developments in the conflict and have a devastating impact on the negotiations, it is incumbent upon the General Assembly to deal with the question in all its aspects with a view to taking appropriate action to cease the occupation and reverse the illegal activities.⁹

Under this agenda item, the General Assembly adopted two resolutions entitled "The situation in the occupied territories of Azerbaijan".¹⁰ Further, in connection with the consideration of the matter in the Assembly, three internationally mandated fact-finding and fact-assessment missions were conducted in the occupied territories, in 2005, 2006 and 2010.¹¹

Moreover, Azerbaijan and other Member States and international organizations circulated hundreds of documents under the item.

For example, in November 2004, Azerbaijan informed the Secretary-General of "Armenia's concerted efforts to transfer its population into the occupied territories".¹² In a report in October 2007, Azerbaijan described acts by Armenia that were designed "to alter the demographic composition of the population in the occupied territories and prevent a return to the pre-war situation".¹³ In a further report in April 2010, Azerbaijan presented detailed information based on Armenian sources testifying to the organized settlement practices and other illegal activities in the occupied territories of Azerbaijan.¹⁴ In its communications of February and July 2013, Azerbaijan submitted evidence of illegal settlements of Armenians from Syria in the occupied Lachin district.¹⁵

⁸ Forty-sixth plenary meeting, 29 October 2004, [A/59/PV.46](#).

⁹ Request for the inclusion of an additional item in the agenda of the fifty-ninth session, the situation in the occupied territories of Azerbaijan, letter dated 14 October 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly, [A/59/236](#) (14 October 2004), annex.

¹⁰ Resolutions [60/285](#) (7 September 2006) and [62/243](#) (14 March 2008).

¹¹ The findings of the missions are contained in the annexes to [A/59/747-S/2005/187](#) (21 March 2005), [A/61/696](#) (12 January 2007) and [A/65/801-S/2011/208](#) (30 March 2011), respectively. For more information, see the letter dated 2 September 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the President of the General Assembly, [A/75/1013](#) (2 September 2021) and the letter dated 27 September 2021 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/76/359-S/2021/831](#) (29 September 2021).

¹² [A/59/568](#) (11 November 2004), annexed letter and enclosed "Information on the transfer of population into the occupied territories of Azerbaijan".

¹³ "Military occupation of the territory of Azerbaijan: a legal appraisal", [A/62/491-S/2007/615](#) (23 October 2007), annex, pp. 9 and 10.

¹⁴ "The facts documented by Armenian sources, testifying to the ongoing organized settlement practices and other illegal activities in the occupied territories of Azerbaijan", [A/64/760-S/2010/211](#) (28 April 2010), annex.

¹⁵ Letter dated 4 February 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/67/734-S/2013/76](#) (8 February 2013); letter dated 19 July 2013 from the Minister for Foreign Affairs of the Republic of Azerbaijan addressed to the Secretary-General, [A/67/952-S/2013/478](#) (13 August 2013), annex.

Two further reports of Azerbaijan provided particularly extensive and revealing evidence of the scale of Armenia's efforts to change the character of the occupied territories.

The first, published in August 2016, is entitled "Illegal economic and other activities in the occupied territories of Azerbaijan" and provides voluminous evidence of Armenia's conduct in transferring ethnic Armenians to the occupied territories (and offering generous incentives to the settlers); incorporating these territories into its socioeconomic space and its customs territory (such as by regulating their banking and telecommunications sectors as if they were part of Armenia itself); replacing Azerbaijani names with Armenian ones; executing permanent energy, agriculture, social, residential and transport infrastructure changes; exploiting the territories' natural resources, especially its agricultural land; and abusing tourism as a means of advancing its annexationist policies.¹⁶

The second report, released in May 2019 and entitled "Illegal activities in the territories of Azerbaijan under Armenia's occupation: evidence from satellite imagery", confirmed Armenia's continued attempts to change the character of the occupied territories by transferring settlers, pillaging natural resources, executing infrastructure changes, exploiting agricultural land and expropriating public and private property.¹⁷

In addition, between 2009 and 2020, Azerbaijan published a series of comprehensive legal reports at the United Nations, which, inter alia, provided a detailed legal analysis and qualification of Armenia's settlement activities.¹⁸

Furthermore, Azerbaijan has repeatedly stated that the settlement policy and practice could in no way be reconciled with the objectives of achieving a peaceful resolution of the conflict and warned of the threat that they posed to peace, security and stability.¹⁹ In a statement in March 2009, Azerbaijan referred to the urgent need to restore the pre-war demographic situation in the occupied territories.²⁰ In February 2013, Azerbaijan emphasized that "Armenia will be obliged to completely withdraw its armed forces from [the occupied territories] and *wipe out all the consequences of its illegal acts, including settlements*".²¹

¹⁶ [A/70/1016-S/2016/711](#) (16 August 2016), annex.

¹⁷ Identical letters dated 20 May 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, [A/73/881-S/2019/420](#) (22 May 2019).

¹⁸ "Report on the international legal responsibilities of Armenia as the belligerent occupier of Azerbaijani territory", [A/63/692-S/2009/51](#) (27 January 2009), annex, paras. 52–59, and [A/74/881-S/2020/503](#) (5 June 2020), annex, paras. 64–80; "Report on the international legal rights of the Azerbaijani internally displaced persons and the Republic of Armenia's responsibility", [A/66/787-S/2012/289](#) (3 May 2012), annex, paras. 88–94; "Legal opinion on third party obligations with respect to illegal economic and other activities in the occupied territories of Azerbaijan", [A/71/880-S/2017/316](#) (26 April 2017), annex, paras. 125–144; "Report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia's responsibility", [A/74/676-S/2020/90](#) (7 February 2020), annex, paras. 174–215.

¹⁹ See, for example, press release of the Ministry of Foreign Affairs of Azerbaijan, [A/65/801-S/2011/208](#) (30 March 2011), annex, p. 3; letter dated 4 February 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/67/734-S/2013/76](#) (8 February 2013); identical letters dated 20 May 2019 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council, [A/73/881-S/2019/420](#) (22 May 2019).

²⁰ "The situation in the occupied territories of Azerbaijan", report of the Secretary-General, [A/63/804](#) (30 March 2009), comments of Azerbaijan, para. 10.

²¹ Letter dated 4 February 2013 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/67/734-S/2013/76](#) (8 February 2013), emphasis added.

International organizations and eminent legal scholars have recognized the illegality of Armenia's conduct in attempting to change the character of the occupied territories.

The Organization for Security and Cooperation in Europe (OSCE) fact-finding mission of 2005 gave extensive details on the forced expulsion of the inhabitants from most of the villages and cities in the occupied territories of Azerbaijan, as well as on the transfer of new ethnic Armenian inhabitants to these territories, including of the incentives offered to those settlers. Its cover letter stated that "the longer [the settlers] remain in the occupied territories, the deeper their roots and attachments to their present place of residence will become" and that "prolonged continuation of this situation could lead to a fait accompli that would seriously complicate the peace process". The mission "discourage[d] any further settlement of the occupied territories of Azerbaijan" and "urge[d] the parties [...] to avoid changes in the demographic structure of the region, which would make more difficult any future efforts to achieve a negotiated settlement".²²

A later report of OSCE, based on a field assessment mission in 2010, expressed similar concern over Armenia's efforts to change the character of the occupied territories, including by importing ethnic Armenians. The mission "observed that many settlements have been renamed with Armenian names or that only Armenian names are used to refer to settlements that previously had Azeri names". The report urged the parties to "refrain from additional actions that would change the demographic, social or cultural character of areas affected by the conflict (such as further settlement in disputed areas, the erection of monuments and the changing of place names) or would make it impossible to reverse the status quo and achieve a peaceful settlement".²³

In April 2016, the Organization of Islamic Cooperation (OIC) expressed its grave concern at "unlawful actions aimed at changing the demographic [...] character of the occupied territories".²⁴ In October of the same year, OIC again expressed its "profound concern over the continued occupation of a significant part of the territory of Azerbaijan and actions taken with a view of changing unilaterally the physical, demographic, economic, social and cultural character, as well as the institutional structure and status of those territories".²⁵

In his legal opinion in April 2017, circulated as a document of the General Assembly and the Security Council, Professor Alain Pellet concluded:

It results from the above that the establishment of settlements is clearly a breach of international law and that the actions purporting to change the demographic composition of the occupied territories of the Republic of Azerbaijan are contrary to the treaty provisions in force between Armenia and Azerbaijan and to customary rules of international law applied in the resolutions and decisions mentioned above. This is an absolute prohibition which does not tolerate any exception.²⁶

²² Letter dated 18 March 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, [A/59/747-S/2005/187](#) (21 March 2005), annex, pp. 4 and 5.

²³ Report of the OSCE Minsk Group Co-Chairs' field assessment mission to the occupied territories of Azerbaijan (2011), pp. 4 and 6–8. See also the press release of the Ministry of Foreign Affairs of Azerbaijan, [A/65/801-S/2011/208](#) (30 March 2011), annex.

²⁴ Final communiqué of the 13th Islamic Summit Conference, Unity and Solidarity for Justice and Peace (14 and 15 April 2016), para. 16.

²⁵ Organization of Islamic Cooperation, resolution No. 10/43-POL, "Aggression of the Republic of Armenia against the Republic of Azerbaijan" (18 and 19 October 2016), preamble and paras. 15 and 16.

²⁶ [A/71/880-S/2017/316](#) (26 April 2017), annex, para. 144.

In his report in February 2020, also published as a document of the General Assembly and the Security Council, Professor Malcolm Shaw concluded:

Armenia is responsible for a variety of war crimes committed in the occupied territories. Such crimes include war crimes relating to civilian deaths or injuries; civilian property; the mistreatment of detainees and prisoners of war; the taking of hostages; ethnic cleansing, forced displacement and changing the character of occupied territory; the destruction of cultural heritage; and damage to the natural environment.²⁷

However, despite efforts made by the international community to condemn and discourage settlements and other illegal activities in the occupied territories of Azerbaijan, such activities continued and expanded until the liberation of these territories.

Thus, in their joint press release of 15 August 2020, the Ministry of Foreign Affairs of Azerbaijan and the national satellite operator Azercosmos OJSCo reported the results of the monitoring carried out by the latter, confirming new settlements in the then-occupied Gubadly, Kalbajar, Lachin and Zangilan districts of Azerbaijan. The document stated in this regard that “the right of the Azerbaijani population ... to return to their homes will be ensured, and the aggressor State Armenia will be held accountable for all its illegal actions”.²⁸

Further, just a few days before the resumption of large-scale hostilities on 27 September 2020, the arrival of new Armenian families from Lebanon prompted Azerbaijan to express its categorical rejection and condemnation of Armenia’s reckless and adventurist policy of illegal settlements.²⁹ In the first days of the war, in October 2020, Azerbaijan reported on the settlers from third countries who joined the battles in the ranks of the armed forces of Armenia.³⁰

As a result of the 44-day war, Azerbaijan put an end to the occupation of its territories, and the almost three-decades-old armed conflict has been resolved. This was a long-overdue development demanded by the Charter of the United Nations, international law, justice and the resolutions of the Security Council.

Domestically, Azerbaijan prioritized the reinforcement of its international border, the rehabilitation and reconstruction of the liberated territories and their reintegration into the country’s economy to ensure the safe return of the displaced population and the high standard of living. To this end, by his decree of 7 July 2021, the President of Azerbaijan established the Karabakh and East Zangazur economic regions. Impressive large-scale works are now under way throughout the liberated territories. The first families recently returned to the Agali village in the Zangilan district, which was rebuilt based on a “smart village” concept intended to boost the rural economy through green technology and digitization.

At the same time, Armenia must redress the harm caused to Azerbaijan and its people, provide full reparations for the injury and offer appropriate assurances and guarantees of non-repetition. Armenia is also under the obligation to investigate offences committed by its nationals and those carried out under its direction and

²⁷ A/74/676-S/2020/90 (7 February 2020), annex, para. 242 (h).

²⁸ <https://mfa.gov.az/en/news/no21920nbspjnt-press-release-of-the-ministry-of-foreign-affairs-of-the-republic-of-azerbaijan-and-ldquoazercosmosrdquo-ojsc>.

²⁹ Hikmat Hajiyeu, “Armenia’s illegal settlement policy across Azerbaijan’s occupied territories is a military crime” (12 September 2020), <https://azertag.az/en/xeber/1582895>.

³⁰ Letter dated 5 October 2020 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General, A/75/497-S/2020/982 (7 October 2020).

control, prosecute and punish the perpetrators and cease and desist from spreading disinformation and disseminating, promoting and sponsoring hate propaganda.

It is critically important that the international community also insist on accountability, which is required under international law and national legislation and which must be an inevitable consequence of the offences committed to ensure justice and prevent the resurgence of conflicts and the commission of new crimes.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 20, 35, 65, 66, 72, 74, 85 and 134, and of the Security Council.

(Signed) Yashar **Aliyev**
Ambassador
Permanent Representative
