



**Statement by the Delegation of the Republic of Azerbaijan
1387th Meeting of the Permanent Council,
01 September 2022**

*Return of the city of Lachin, Zabukh and Sus villages to Azerbaijan,
in line with trilateral statement of 10 November 2020*

Mr. Chairperson,

The Delegation of Azerbaijan would like to draw the attention of the Permanent Council to the return of the city of Lachin, Zabukh and Sus villages to Azerbaijan, and the construction by Azerbaijan of the new road bypassing the city of Lachin for the movement of citizens, vehicles and goods.

As it is known, the trilateral statement of 10 November 2020 signed by Azerbaijan, Armenia and Russia following the 44-day Patriotic War, put an end to the three-decade long armed conflict. Azerbaijan restored its previously infringed sovereignty and territorial integrity. The trilateral statement provides a clear guidance for attaining sustainable peace, security and stability in our region through implementation of concrete measures specified in this document.

In accordance with Article 6 of the trilateral statement, Armenia's armed forces withdrew from the Lachin district by 1 December 2020 and the district was returned to Azerbaijan. The trilateral statement also envisaged the construction of a new road bypassing the city of Lachin. In just 21 months since the signing of the statement, Azerbaijan completed the construction of the new 32 km-long road until the border with Armenia for the movement of citizens, vehicles and goods, and on 26 August 2022, in accordance with the trilateral statement, the city of Lachin, Zabukh and Sus villages were returned to Azerbaijan. Thus, Azerbaijan fully restored its sovereignty over the Lachin district.

With the return of Lachin, Zabukh and Sus to Azerbaijan, tens of thousands Azerbaijani IDPs, forcibly expelled from these territories as a result of aggression and ethnic cleansing carried out by Armenia, will be able to finally exercise their right to return to their places of origin in dignity and in safety. They will follow the first group of Azerbaijani IDPs who recently returned to newly reconstructed Agali village of Azerbaijan's liberated Zangilan district. The continuing process of the return of IDPs to their homes is not only significant from the point of view of upholding international humanitarian and human rights law and restoration of infringed human rights of hundreds of thousands of IDPs, but is also a powerful sign that the conflict is over. It is an important milestone in further removing the consequences of the decades-long occupation of the territories of Azerbaijan and consolidating peace and stability in the region.

Given the speculations and allegations of the Armenian side surrounding the return of Lachin, Zabukh and Sus to Azerbaijan, we would like to provide to the Permanent Council further details on these developments.

The new route was defined, agreed and its construction was coordinated with the Russian side, whose peacekeeping contingent is temporarily deployed in the territories of Azerbaijan in accordance with the provisions of the trilateral statement. Construction of high-quality new road in a short timeframe

is a testimony to Azerbaijan's commitment to its obligations under the trilateral statement and to the vision of sustainable peace in the region.

The Armenian side has been fully aware of the process of defining the new route and construction of the road. It actually agreed to the new crossing point at the Azerbaijan-Armenia state border and participated at the meetings with the Azerbaijani side where these questions were discussed. Azerbaijan even offered to build a section of the road on the Armenian territory, which is 8-9 kilometers long, but Armenia refused for political or whatever considerations, responding that it would construct its section itself. Azerbaijan informed the Russian peacekeeping contingent of the completion of construction of the new road by 5 August and asked them to transfer the posts of the peacekeeping contingent from the old road to the new one. It is actually at this point that Armenia, as we now know it, in an effort to delay the inevitable return of the city of Lachin and surrounding areas to Azerbaijan, first declared that it intended to launch a feasibility study of this road and would build it by the end of 2023. In other words, it was a clear act of manipulation on Armenian side, as it intentionally delayed the construction of the new road on its territory, failing to fulfil its obligations under the trilateral statement.

On 3 August, Armenia resorted to military provocation in the direction of the Lachin district, about which we already informed the Permanent Council in detail at the last meeting on 9 August. The purpose was obvious - on the one hand, to delay the withdrawal of Armenia's remaining illegally present armed forces and illegal armed detachments from the territory of Azerbaijan, and on the other, to postpone the return to Azerbaijan of aforementioned territories and relocation of illegal settlers from there.

Furthermore, we draw attention to the fact that during construction of the new road there were contacts of Azerbaijani side with local Armenian residents of Azerbaijan. A large part of the construction process was carried out without observation of the temporarily deployed Russian peacekeeping contingent. This demonstrates, contrary to what we hear from Armenia, that direct people-to-people contacts and common activities between Azerbaijanis and Armenians living in Azerbaijan are possible and must be viewed also as an essential post-conflict normalization and confidence-building measure.

We also inform the Permanent Council that after appeals of local Armenian residents of Azerbaijan, Azerbaijani authorities agreed to construct and temporarily use 4,7 km long road until the construction of the road passing on the territory of Armenia is completed. This was done in order to enable the use of the new route without any hindrance by local Armenian population of Azerbaijan. Thus, local Armenian population agreed to the start of operation of the new road, while it was the government of Armenia that attempted to postpone the operation of the road until the end of the next year or even further. This demonstrates, on the one hand, that it is Azerbaijan, and not Armenia, that comes up with and delivers solutions for addressing security and day-to-day life of local Armenian population of Azerbaijan. On the other hand, it exposes the approach of Armenia towards its obligations and its indifference towards concerns and development of local Armenian residents of Azerbaijan. This also demonstrates the shrinking influence of Armenia on the ground in general, and in particular, on Armenian population of Azerbaijan, who wants to live in peace and stability.

Against this background, Armenia's speculations about the new road and relocation of the Armenian settlers from these localities, who should not have been resettled there in the first place, are nothing but another futile attempt to divert attention of the international community from the facts of illegal settlement practice that surfaced with the return of formerly occupied territories to Azerbaijan, and to create a wrong impression of the real situation on the ground.

One must also emphasize that the vast majority of recently relocated illegal settlers from Lachin, Zabukh and Sus demanded from the government of Armenia to relocate them to the territory of Armenia. Unwillingness of these illegal settlers to live in the Karabakh region of Azerbaijan is in itself another proof that they have no relation to the region.

Armenia's conduct throughout the conflict has involved ethnic cleansing in the occupied territories of Azerbaijan, including the establishment of settlements and the implantation of ethnic Armenian settlers from Armenia and abroad. Those activities were carried out in broad daylight under the cover of the 'peace process', notwithstanding absolute prohibition under international law, which does not tolerate any exception. The illegal settlement of the formerly occupied territories of Azerbaijan is a grave breach of international humanitarian law, in particular Geneva Convention IV relative to the Protection of Civilian Persons in Time of War (1949) and amounts to a war crime under international criminal law.

Azerbaijan has brought Armenia's conduct of transferring ethnic Armenians into the formerly occupied territories, including into the Lachin district to the attention of the United Nations and the OSCE. In 2016 and 2019, Azerbaijan presented to the OSCE participating States two reports providing particularly extensive and revealing evidence of the scale of Armenia's efforts to change the character of the occupied territories (SEC.DEL/333/16; SEC.DEL/513/19; PC.DEL/1273/19). The irrefutable evidence presented made it clear that the policy and practice of Armenia clearly testified to its intention to change the demographic composition and to secure the annexation of Azerbaijani territories that it has captured through military force, and in which it has carried out ethnic cleaning, including by way of settlement activities, destruction and appropriation of historical and cultural heritage and systematic interference with the property rights of Azerbaijani displaced persons.

The fact of implantation of ethnic Armenian settlers into the occupied territories, including in Lachin was recognized and confirmed in numerous international documents, including in a landmark decision of the European Court of Human Rights on the case of *Chiragov and others v. Armenia* (2015), and a fact-finding and field-assessment missions of the OSCE requested by the Government of Azerbaijan (2005, 2010). As an outcome of its missions, the OSCE report "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". Similar position was expressed by other international organizations. In April 2012, the European Parliament in its resolution resolved that there were "concerning reports of a settlement-building policy implemented by the Armenian authorities to increase the Armenian population in the occupied territories" and that there was a need to investigate such reports.

It is pertinent to recall in greater detail the ruling of the European Court of Human Rights on the case of *Chiragov and others v. Armenia* (2015), concerning six Azerbaijani nationals, who were forcibly expelled from the formerly occupied Lachin district of Azerbaijan during the Armenian aggression. The Court, among others, recorded the large-scale destruction of houses during the offensive on Lachin in May 1992 (both by aerial bombardment and by burning and looting).

The Court ruled in favor of the applicants (1) by recognizing continuing violations by Armenia of a number of rights under the Convention of the Azerbaijani internally displaced persons and reaffirming the right of displaced persons to return to their homes or places of habitual residence; (2) by effectively putting an end to Armenia's persistent denial of its responsibility for the unlawful occupation of and military presence in the territories of Azerbaijan; and (3) by establishing that continued presence of Armenian and Armenian-backed troops and ceasefire breaches is the major obstacle for the Azerbaijanis to return to their homes. The Court essentially concurred with the position of Azerbaijan that Armenia bears full international responsibility for the breaches of international law that have

occurred, and that the withdrawal of Armenian troops is a *sine qua non* condition for the protection of the rights of the Azerbaijani citizens under the Convention and more broadly for the conflict resolution.

The policy of illegal settlement in the Lachin district and other territories of Azerbaijan carried out by Armenia in the course of its occupation of these territories, total destruction of property, cemeteries and mosques of local Azerbaijani people expelled from there, and construction of houses, churches and other objects for illegally resettled Armenians is also a clear manifestation of discrimination based on ethnic and religious grounds.

However, all our calls and warnings went unheard. On the contrary, having used military force to occupy the territories of Azerbaijan, Armenia has demonstrated and continuously reiterated, by words and by illegal activities, including resettlement practices its distorted belief in the existence of an alternative to international law, peace and political settlement. This policy and practice by Armenia led to the 44-day Patriotic War, as a result of which Azerbaijan put an end to the armed conflict and occupation of its territories.

As we said earlier, return of the Lachin city, Zabukh and Sus villages to Azerbaijan represents a triumph of international law and justice, and fulfilment of fundamental OSCE principles and commitments, quite rare in contemporary history, when internationally wrongful conduct by a State, namely occupation and illegal implantation of settlers is put an end to through politico-military means.

I request that this statement be attached to the journal of the day.

Thank you, Mr. Chairperson.