



**Statement by the Delegation of the Republic of Azerbaijan**  
***1149<sup>th</sup> Meeting of the Permanent Council,***  
***08 June 2017***

*Systematic violations of peremptory norms of international law in the occupied territories of Azerbaijan*

Mr. Chairperson,

The Delegation of the Republic of Azerbaijan on numerous occasions drew attention of the Permanent Council to Armenia's policy and practices in the occupied territories of Azerbaijan in breach of international law, which undermine the prospects of achieving a political settlement of the conflict.

In particular, in flagrant violation of international law and taking advantage of cease-fire, Armenia continues to undertake efforts aimed at further consolidating the current *status quo* of the occupation, strengthening its military build-up in the seized territories, changing their demographic, cultural and physical character and preventing the hundreds of thousands of Azerbaijani forcibly displaced persons from returning to their homes and properties in those areas.

Actions by Armenia and its affiliates in the occupied territories amount to internationally wrongful acts, several of which constitute serious breaches of obligations arising from peremptory norms of general international law (*jus cogens*). These include, most notably: the ethnic cleansing of the occupied territories of Azerbaijan, including the establishment of settlements and the transfer of populations resulting in the change of demographic composition of those territories; the gross violations of the law of belligerent occupation, in particular of article 43 of the Regulations respecting the Laws and Customs of War on Land of 1907 and article 49 of the Geneva Convention related to the Protection of Civilian Persons in Time of War of 1949; the exploitation of natural resources of the occupied territories; and the alteration of cultural heritage of the region.

Evidence presented in the report by the Ministry of Foreign Affairs of the Republic of Azerbaijan on illegal economic and other activities in the occupied territories of Azerbaijan, distributed under reference number SEC.DEL/333/16 on 22 July 2016, attests to the involvement in unlawful activities, directly or indirectly, of some foreign natural and legal persons, including those from a number of OSCE participating States. By engaging in or facilitating illegal activities in these territories, these entities become complicit in the occupation.

I would like to thank those few OSCE Delegations which responded with concrete actions both in Vienna and in their respective capitals to the concerns expressed by our Permanent Mission at previous meetings of the Council. However, the situation leaves much to be desired in respect to many other countries' practice.

Of particular concern is continuing attempts to establish settlements and to build associate physical infrastructure that encourages transfer of Armenians into the occupied territories of Azerbaijan, resulting in the change of demographic composition of those territories. A large amount of funds for settlements and other activities is provided by foreign private investors, like the US-based Tufenkian Foundation and others, which under the disguise of “charity non-profit organizations” or through Armenia-founded and controlled Hayastan All-Armenian Fund are channeling funds for illegal activities.

Persistent silence by the OSCE participating States concerned with regard to such activities and involvement of their natural and legal persons, directly or indirectly, by action or inaction in the illegal activities of Armenia in the occupied territories of Azerbaijan contributes to further consolidation of the occupation of the territories of Azerbaijan and continuation of the armed conflict and seriously impedes prospects of earliest peaceful resolution of the conflict.

It is of deep regret that natural and legal persons from Belgium, Bulgaria, the Czech Republic, Estonia, Finland, France, Germany, Italy, the Netherlands, Sweden, UK and USA continue to engage in illegal activities in those territories. Azerbaijan has consistently raised the issue at all appropriate bilateral and multilateral formats and requested these countries to take effective measures to prevent and reverse illegal activities by the private or legal entities registered on their territories. Unfortunately, these OSCE participating States either disregard persistent calls of the Azerbaijani side or fail to take adequate step to this end.

As a result, we face a paradoxical situation, when countries or political grouping most vocal on the need to implement commitments under the international human rights instruments, remain silent in response to the concerns of human right violations of hundreds of thousands of Azerbaijani IDPs by their natural and legal persons. Needless to remind that these States have a duty to ensure that all their natural and legal persons, wherever located, are aware of the responsibility stemming from breaches of international obligations, including violations of human rights. Lack of response to such serious breaches of international human rights law and international humanitarian law may trigger the application of the special consequences resulting in aggravated responsibility.

All OSCE participating States are bound to comply with the demands of the United Nations Security Council resolutions adopted in response to occupation of the territories of Azerbaijan and illegal situation created through the use of armed force, namely: (a) non-recognition of the situation created due to serious breaches of international law norms; (b) prohibition of aid or assistance in maintaining that situation; and (c) exclusion of any immunities for the authors of these breaches.

Consequently, any activity contributing to the maintenance of this situation constitutes a serious breach of obligations arising under peremptory norms of general international law. The breach entails the responsibility of State either for inaction or as the wrongdoer, for aiding or assisting the author of wrongful act.

Regardless of capacity of individuals to be bound by international legal norms, it is undisputed that States have a duty of vigilance, which obliges them to ensure that their nationals do not transgress rules of international law. If OSCE participating States do not discharge this obligation, they entail serious international responsibility, in particular under the Fourth Geneva Convention. Thus, under the Convention States undertake to enact any legislation necessary to

provide effective sanctions for persons committing, or ordering to be committed, any of the grave breaches of the Convention. Therefore, in the present case, all States parties to the Fourth Geneva Convention must search for persons involved in or profiteering from the economic and other illicit activities in the occupied territories of Azerbaijan. OSCE participating States must stop and reverse this wrongful activity and, if such activities persists, bring the perpetrators before their courts or extradite them to another party concerned.

Another consequence of such aggravated responsibility is that all OSCE participating States are required to invoke the responsibility of Armenia and to take measures against it, including by means of sanctions, as well as criminal prosecutions and civil proceedings.

In light of the above-mentioned, we reiterate our call on the OSCE participating States concerned to take urgent and effective measures to prevent any activity of their natural and legal persons in the occupied Azerbaijani territories taking into account their obligations under international law and relevant OSCE commitments.

Thank you, Mr. Chairperson.