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Illegal settlement of Armenians in the occupied territories of Azerbaijan by Armenia as a gross violation of the principles of international law

Motion for a recommendation
presented by Ms. Pashayeva and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

The Republic of Armenia while ignoring the four UN Security Council Resolutions on unconditional withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan as well as the PACE Resolution 1416 claiming liberation of the Azerbaijani territories and repatriation of displaced Azerbaijanis to their homelands, jeopardizes the process of direct negotiations between the Presidents of Azerbaijan and Armenia.

The policy of illegal settlement of Armenians in the occupied territories of Azerbaijan contradicts the norms of international law and the above-mentioned documents as well. Armenia tries to reinforce its "status quo" on the occupied lands of Azerbaijan and to impede the repatriation of displaced Azerbaijani population by rapidly increasing number of Armenians settling in these territories.

According to the official figures in 1989, the number of Armenians living in the Mountainous Karabagh, Autonomous Region of Azerbaijan before the conflict was 145.450. In order to increase this number to 300.000 people till 2010 year Yerevan pursues special state policy. According to another data, including Armenian sources, during the latest recent years 23.000 people have been settled in the occupied Mountainous Karabagh region as well as seven other occupied regions including 13.000 people in Lachyn, 700 people in Kalbajar, 520 people in Zangilan, 280 people in Jabrayil.

Before the Armenian invasion the overall population of these regions was Azerbaijanis. Armenia and the Karabakh separatists forced the Azerbaijanis to leave their homes and succeeded in ethnic cleansing in the regions. Hundreds of ethnic Armenian families from Armenia and other countries from all over the world have also been settled in Aghdam, Fizuli and other occupied Azerbaijani territories. According to Yerevan's state program 15.000 people are to be moved to the occupied city of Shusha of Azerbaijan furthermore.

The Armenia's policy of illegal settlement of Armenians in the occupied territories of Azerbaijan has been also reflected in the documents of some international organizations (UN Sub-Commission on Promotion and Protection of Human Rights Working Group on Minorities, U.S. Committee for Refugees, World Refugee Survey 2002 Country Report, Armenia, U.S. Department of State, Country Reports on Human Rights Practices, Azerbaijan, 25 February 2004, section 2 (d), Report on the Activities of the Personal Representative of the OSCE Chairman-in-Office on the Conflict Dealt with by the OSCE Minsk Conference, 1 September – 31 October 2004).

At the same time, in the paragraph 6 of article 49 of Geneva Convention has been indicated: "The occupying power shall not deport and transfer of its own civilian population into the territory it occupies". It means that an illegal deportation and settlement of the population in the occupied territories is a gross violation of international law.

Azerbaijan, which is seriously concerned over the Armenia's violation of all norms and principles of international law (the 4 UN Security Council Resolutions, PACE, Geneva Convention) as well as continuation of its illegal steps in this direction, has appealed to the UN General Assembly about the conditions in its occupied territories. In the final report it has been noted that the Fact-finding Mission has observed the settlement in the occupied territories of Azerbaijan. The strong recommendation of the fact-finding mission indicates: "The OSCE Minsk Group challenges the co-chairmen not to permit any further migrants to the occupied territories".

Having expressed its deep concern of the illegal settlement of Armenians in the occupied territories of Azerbaijan, the Assembly encourages:

- to call immediately the Armenian authorities to stop their state policy of illegal settlement of Armenians on the occupied Azerbaijani territories
- to call immediately the Council of Europe member states to take the necessary steps to influence Armenia to suspend the policy contradicting norm and principles of international law including PACE resolutions.

*Signed*¹:

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EPP/CD: Group of the European People's Party
ALDE: Alliance of Liberals and Democrats for Europe
EDG: European Democratic Group
UEL: Group of the Unified European Left
NR: not registered in a group