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Point 6 de l'ordre du jour

Examen périodique universel

Note verbale datée du 16 septembre 2013, adressée au Président du Conseil des droits de l'homme par la Mission permanente de la République d'Arménie auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République d'Arménie auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au bureau du Président du Conseil des droits de l'homme, et a l'honneur de lui faire tenir ci-joint les observations écrites au sujet du rapport du Groupe de travail sur l'Examen périodique universel concernant l'Azerbaïdjan (A/HRC/24/13)*, adopté *ad referendum* le 2 mai 2013.

La Mission permanente de la République d'Arménie serait très reconnaissante au bureau du Président du Conseil des droits de l'homme de faire distribuer la présente note verbale et l'annexe qui s'y rapporte en tant que document officiel de la vingt-quatrième session du Conseil des droits de l'homme, au titre du point 6 de l'ordre du jour.

* Les observations sont reproduites telles qu'elles ont été reçues, dans la langue originale seulement.

Annexe

[Anglais seulement]

Written comments of the Government of the Republic of Armenia on the serious violations in the report of the Working Group of the Universal Periodic Review of Azerbaijan

The report of the Working Group of the Universal Periodic Review of Azerbaijan has been adopted ad referendum with serious violations of the rules and procedures of UPR process stipulated in the HRC Resolutions 5/1, Presidential Statement 8/PRST/1 and the ruling of the President of Human Rights Council made during the review of the report of Azerbaijan.

The report contains the footnote, which was initially placed on the title page of the report, and later has been replaced to the part contacting the summary of the presentation of Azerbaijan (page 4, footnote 1).

This footnote has to be considered as direct violation of the IB package and related Presidential statements, which clearly defined that the Working Group shall prepare a factual report of its proceedings, consisting of a summary of the interactive dialogue, which will reflect recommendations and/or conclusions made by delegations during the interactive dialogue. According to the UPR web-cast of the review of Azerbaijan's UPR report, information contained in the known footnote of the WG report has been never delivered by any state in the room.

Mentioned footnote with its form and content is a unique example during the whole UPR process both in first and second cycles. Instead of carrying technical information, this footnote by its explicit political and territorial content and imperative nature attempts to interpret and modify the statement and the recommendation of the Republic of Armenia, summarized in the report (paragraphs 97 and 110.4).

The President of the Human Rights Council in its ruling during the review of the report of Azerbaijan stressed that the territorial issues should not to be discussed during the UPR process and the Working Group is not a competent body to discuss issues of a political or territorial nature. Therefore, the mentioned footnote is also a direct violation of the ruling of the President of HRC.

The content of this footnote seriously violates the rules of the United Nations Editorial Manual, particularly the chapters regarding the usage of the footnotes in UN documents(http://dd.dgacm.org/editorialmanual/ed-guidelines/country_names/country.htm) and the terminology listed in the United Nations Multilingual Terminology Database (<http://unterm.un.org/>) on Nagorno Karabakh.

In the framework of the UPR process each state should be treated equally. However, in this case the Working Group, considering the inclusion of Armenian recommendations in the report as an achievement and "awarding" Azerbaijan by this footnote, actually encourages further violations of UPR rules and procedures by Azerbaijan.

On May 12, 2013 the Permanent Representative of the Republic of Armenia sent detailed letter to the President of the Human Rights Council (placed in the HRC Extranet, "Communications to/from the President") expressing his deep concern by these violations of the UPR rules and procedures and stressing, that this is a dangerous precedent, which

will certainly lead to the similar violations in the future thus seriously damaging the credibility and integrity of whole UPR process.

The Republic of Armenia reaffirms that mentioned footnote is factually incorrect, totally invalid and absolutely unacceptable, and by any means cannot be used to interpret or to modify the statement and the recommendation of the Republic of Armenia, summarized in the report (paragraphs 97 and 110.4).
