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**Elimination of racism, racial discrimination, xenophobia
and related intolerance**

Report of the International Court of Justice

The rule of law at the national and international levels

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

Letter dated 21 November 2023 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I enclose herewith the statement of the Ministry of Foreign Affairs of the Republic of Armenia regarding the Order delivered on 17 November 2023 by the International Court of Justice within the case concerning the *Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia v. Azerbaijan)* (see annex).¹

The Order, which indicates new provisional measures to protect the rights of the Armenian population displaced from Nagorno-Karabakh, underscores the continuing risk of irreparable harm to the rights of ethnic Armenians under the International Convention on the Elimination of All Forms of Racial Discrimination. In its Order, the Court also reaffirms the provisional measures indicated by its Orders of 7 December 2021² and 22 February 2023.³

To this date, Azerbaijan has failed to implement the provisional measures indicated by the Court and continues the manipulative distortions that go against the wording of the Court and challenge the international legal system instead of upholding compliance thereof.

¹ <https://www.icj-cij.org/sites/default/files/case-related/180/180-20231117-ord-01-00-en.pdf>.

² <https://www.icj-cij.org/sites/default/files/case-related/180/180-20211207-ORD-01-00-EN.pdf>.

³ <https://www.icj-cij.org/sites/default/files/case-related/180/180-20230222-ORD-01-00-EN.pdf>.



I kindly ask that the present letter and its annex be circulated as a document of the seventy-eighth session of the General Assembly, under agenda items 69, 73, 83 and 133, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative

Annex to the letter dated 21 November 2023 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Statement of the Ministry of Foreign Affairs of Armenia on the Order of the International Court of Justice dated 17 November

18 November 2023

We welcome the Order of the International Court of Justice adopted on 17 November upon the request of the Republic of Armenia within the “*Armenia vs. Azerbaijan*” case under the “International Convention on the Elimination of All Forms of Racial Discrimination”.

In its Order, the Court observed that, “according to United Nations reports, more than 100,000 persons of Armenian national or ethnic origin have found themselves compelled to leave their place of residence and reach the Armenian border since the operation commenced by Azerbaijan in Nagorno-Karabakh on 19 September 2023, after which Azerbaijan regained full control over Nagorno-Karabakh. According to the Order, the operation “took place in the context of the long-standing exposure of the population of Nagorno-Karabakh to a situation of vulnerability and social precariousness”. As stated in the Order of the Court, “the residents of this region have been severely impacted by the long-lasting disruption of the connection between Nagorno-Karabakh and Armenia via the Lachin Corridor, which has impeded the transfer of persons of Armenian national or ethnic origin hospitalized in Nagorno-Karabakh to medical facilities in Armenia for urgent medical care. There have also been hindrances to the importation into Nagorno-Karabakh of essential goods, causing shortages of food, medicine and other life-saving medical supplies”.

Therefore, in its Order of 17 November, the Court found that there is an imminent risk of irreparable harm to the rights of the Armenians under the Convention.

In the operational part of the Order, in addition to Azerbaijan’s unilateral commitments, which are “binding and create legal obligations”, including commitments to facilitate the access of the International Committee of the Red Cross and the inspections of the United Nations, to protect and not to damage or destroy cultural monuments, artefacts and sites, the Court further ordered Azerbaijan to:

(1) “(i) ensure that persons who have left Nagorno-Karabakh after 19 September 2023 and who wish to return to Nagorno-Karabakh are able to do so in a safe, unimpeded and expeditious manner; (ii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 and who wish to depart are able to do so in a safe, unimpeded and expeditious manner; and (iii) ensure that persons who remained in Nagorno-Karabakh after 19 September 2023 or returned to Nagorno-Karabakh and who wish to stay are free from the use of force or intimidation that may cause them to flee”;

(2) “protect and preserve registration, identity and private property documents and records that concern the persons identified under subparagraph (1) and have due regard to such documents and records in its administrative and legislative practices”.

The Court further ordered Azerbaijan to “submit a report to the Court on the steps taken to give effect to the provisional measures indicated and to the undertakings made by the Agent of Azerbaijan within eight weeks”. Armenia will be given the opportunity to submit to the Court its comments thereon.

Meanwhile, the Court reaffirmed the provisional measures indicated by its Orders of 7 December 2021 and 22 February 2023.

The Court's decision has great significance, as in the history of the Court, this number of provisional measures has never been applied to any other state in a single judicial proceeding. This is indicative of the continuing risk of irreparable harm to the rights of ethnic Armenians under the Convention due to the behaviour adopted by Azerbaijan.

This Order of the Court, similar to its previous Orders, creates legally binding obligations under international law.
