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الجمعية العامة



مجلس حقوق الإنسان

الدورة الخامسة والخمسون

26 شباط/فبراير - 5 نيسان/أبريل 2024

البند 4 من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

مذكرة شفوية مؤرخة 20 تشرين الثاني/نوفمبر 2023 موجهة من البعثة الدائمة لأرمينيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان

تحيل البعثة الدائمة لجمهورية أرمينيا لدى مكتب الأمم المتحدة والمنظمات الدولية الأخرى في جنيف طيه بيان وزارة خارجية جمهورية أرمينيا بشأن الأمر الصادر عن محكمة العدل الدولية المتعلق بطلب الإشارة إلى تدابير تحفظية اتخذتها أرمينيا في القضية المتعلقة بتطبيق الاتفاقية الدولية للقضاء على جميع أشكال التمييز العنصري (أرمينيا ضد أندريجان) (انظر المرفق).

وترجو البعثة الدائمة لأرمينيا من مفوضية الأمم المتحدة السامية لحقوق الإنسان أن تعمم هذه المذكرة الشفوية ومرفقها* بوصفها وثيقة من وثائق مجلس حقوق الإنسان، في إطار البند 4 من جدول الأعمال.

* يُعمَّم كما ورد، باللغة التي قُدم بها فقط.



الرجاء إعادة الاستعمال

**مرفق المذكرة الشفوية المؤرخة 20 تشرين الثاني/نوفمبر 2023 الموجهة
من البعثة الدائمة لأرمينيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية
الأمم المتحدة السامية لحقوق الإنسان**

**Statement of the Ministry of Foreign Affairs of Armenia dated 18
November 2023 on the International Court of Justice order of November 17**

We welcome the Order of the International Court of Justice of November 17, which was adopted on the request filed by the Republic of Armenia within the case brought against the Republic of Azerbaijan under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

In its Order, the Court stated 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.” According to the Order, the mentioned 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 by “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.”

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

Going to the operational part of the Order, in addition to Azerbaijan’s unilateral undertakings, which are “binding and create legal obligations”, including its commitment to facilitate access to the ICRC and inspections by the UN, to protect and not to damage or destroy cultural monuments, artefacts and sites, by the Order of November 17 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”; and
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 then have an opportunity to submit comments on the report.

At the same time, the Court’s Order reaffirmed the provisional measures indicated by its Orders of 7 December 2021 and 22 February 2023.

The Court’s Order is momentous: in no other case in the Court’s history has a state faced as many orders on provisional measures in a single proceeding. This is indicative of the continuing risk of irreparable prejudice to the rights of ethnic Armenians under the CERD that Azerbaijan’s conduct poses.

This Order of the Court, like the previous ones, creates legally binding obligations under international law.