

RIGHT OF RETURN

Legal basis of the right of return

*Recent positions on the right of return
of Artsakh citizens*

Armenian National Committee - International

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Prologue

After the war of 2020¹ and especially after the ethnic cleansing of Artsakh² in 2023, various international and Armenian circles, including us, began to use the phrase "right of return" often. Applying active international mechanisms, the realisation of the right of return of Artsakh citizens has also become one of the main political priorities of the Armenian National Committees worldwide.

In this report, we present a few provisions regarding the Right of Return, the legal-political foundation established by various international documents, as well as the decisions, statements and resolutions adopted by the International Court of Justice, international organizations and several states regarding that right.

Legal basis for the right of return

The legal and political basis for the right of return is the Universal Declaration of Human Rights³ of December 10, 1948; the International Covenant on Civil and Political Rights (ICCPR)⁴ of December 16, 1966; partially the Convention Relating to the Status of Refugees⁵; United Nations General Assembly Resolution 194 (III) of December 11, 1948⁶; as well as the Human Rights Committee General Comment on Article 12 of the International Covenant on Civil and Political Rights, November 1999⁷. First, let us note that the right of return is essentially related to the right of free movement, with precise international protection.

For example, the human rights organisation "Human Rights Watch" advocated the necessity of realising the right of return during the border adjustments in Guatemala, El Salvador, Honduras, Malawi, Burma, and Mauritania, and during the conflicts in Bosnia, Croatia, Kosovo, East Timor, Ethiopia, and Eritrea.

The realisation of the right of return is continuously emphasised in the Middle

¹ <https://www.politico.eu/article/nagorno-karabakh-conflict-azerbaijan-armenia-south-caucasus-russia/>

² Note that the long-term Azerbaijani programme of ethnically cleansing Artsakh of Armenians essentially had three main stages: in 1992, the deportation of Armenians from the Shahumyan region and Kuri Ajapnyak; in 2020, the deportation of Armenians from the Hadrut and Shushi regions; and the main stage in 2023, genocidal actions.

³ <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

⁴ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

⁵ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>

⁶ <https://www.un.org/unispa/document/auto-insert-183290/>

⁷ <https://www.refworld.org/legal/general/hrc/1999/en/46752>

East conflicts, especially on the condition of the former and current Israeli-Palestinian conflict⁸.

In turn, the international community has conventional obligations to ensure and guarantee the realisation of the right of return, including through effective international mechanisms.

In the current situation, our task is to root at political, legal, and expert levels the issue of the protection and the realisation of the right of return of Artsakh citizens in the international discourse.

Returning to the legal and political basis of the issue, the second clause of Article 13 of the Universal Declaration of Human Rights defines: **"Everyone has the right to leave any country, including his own, and to return to his country."**

Article 12 of the International Covenant on Civil and Political Rights defines⁹:

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

It is essential to refer to the comments of the UN Human Rights Committee on this article, which lead to the almost absolute application of Article 12, Subsection 4, and its not being constrained by the first subsections.

"Human Rights Watch" made a remarkable observation regarding the 1955 "Nottebohm case" (*Liechtenstein v. Guatemala*)¹⁰, where the legal analysis, containing elements of a precedent decision, can be interesting to clarify the issue in question. In particular, the International Court of Justice observed in this case, among others, that "genuine and effective link" allows those outside their country to return, even if they were born elsewhere and will enter the [home country] for the first time, as long as they maintain "genuine and effective link" with the [home] country.

⁸ <https://www.hrw.org/legacy/campaigns/israel/return/#>

⁹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

¹⁰ <https://icj-cij.org/case/18>

The real and effective link that is the basis for the right of return may disappear over time. However, this does not apply to the forcibly displaced. "Decision of disappearance of the right" cannot be made for persons who did not have the opportunity to exercise the right of return. The question of whether the refugees left voluntarily or were expelled does not affect the right to return under the ICCPR. The presence of refugee status cannot, of course, be a limitation on the exercise of the right to return.¹¹

International human rights and international refugee rights regulations "jointly" reinforce the right of return. International refugee law affirms the right to return, emphasising voluntary repatriation as the preferred sustainable solution to the refugee problem. Its basis can be found in the 1951 Convention relating to the Status of Refugees¹² (henceforth, the Convention) and its 1967 protocol¹³.

It is interesting to note that the international acts regulating the right of return seem to purposefully emphasise the concepts of "country" and "own country" more than the term "state."

International reactions to the issue of Artsakh citizens' right of return

After the war of 2020, as well as after the depopulation of Artsakh in 2023, there have been many references to the right of return of Artsakh citizens in the international discourse, which is essential from the point of view of developing the work on the realisation of this right and making it a subject of discussion in international relations. Let us look at such references below, with examples from many states and international organisations.

The International Court of Justice

The decision¹⁴ made by the International Court of Justice on November 17, 2023, is essential. It was made based on a request by Armenia within the framework of the Armenia vs. Azerbaijan court case under the International Convention on the Elimination of All Forms of Racial Discrimination.

¹¹ The Human Rights Committee General Comment on Article 12 of the ICCPR (Right to Return - Human Rights Watch Policy Page) (hrw.org)

¹² <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>

¹³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>

¹⁴ <https://icj-cij.org/sites/default/files/case-related/180/180-20231117-ord-01-00-en.pdf>

In its decision, the Court specifically noted 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."¹⁵ According to the Court, "the operation commenced by Azerbaijan in Nagorno-Karabakh on 19 September 2023 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 the Court has already noted, 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."

In the operational part of the decision, in addition to the unilateral commitments undertaken by Azerbaijan and many other obligations ruled of the Court, the latter also obliged Azerbaijan to "(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."¹⁶

Collective statements of states

In the statement adopted on 5 October 2023, after the quadrilateral meeting in Granada (Armenia-France-Germany-EU), there is also a reference to the right of return: "Refugees must be free to exercise their right to return to their homes and their places of living, without any conditions, with international monitoring, and with due respect for their history, culture and for human rights."¹⁷

On 11 October 2023, Armenia, the USA, Andorra, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia,

¹⁵ <https://www.icj-cij.org/sites/default/files/case-related/180/180-20231117-ord-01-00-en.pdf>

¹⁶ https://www.mfa.am/en/interviews-articles-and-comments/2023/11/18/mfa_statement/12346

¹⁷ <https://www.primeminister.am/en/press-release/item/2023/10/05/Nikol-Pashinyan-quadrilateral-meeting-announcement/>

Finland, Germany, Greece, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, North Macedonia, the Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom, and Uruguay joined the joint statement presented by France at the UN Human Rights Council. The statement specifically states: "At this moment, we call on Azerbaijan to ensure the rights and safety of those Armenians of Nagorno-Karabakh who have remained and to immediately create conditions for the voluntary, safe, dignified, and stable return of those who want to go home."¹⁸

The President of the Council of the European Union and more than 30 European countries signed these declarations, including EU member states. The Republic of Armenia also signed the statement.

United Nations

Various bodies of the UN have also addressed the issue related to the right of return of Artsakh Armenians. Thus, in October 2023, Alice Wairimu Nderitu, UN Special Adviser on Genocide Prevention, said: "I call for all efforts to be made to ensure the protection and human rights of the ethnic Armenian population remaining in the territory, as well as those who have left, including the right of return, which should be a priority."¹⁹ Before that, at the end of September, the current UN High Commissioner for Human Rights, Volker Turk,²⁰ and the special rapporteur of the same Council, Maurice Tidbas-Binz,²¹ made similar statements.

European Union

European Parliament

During the past three years, the European Parliament has addressed Artsakh Armenians' right of return by adopting about a dozen resolutions of different natures.

In particular, with the resolution "On prisoners of war as a result of the recent conflict between Armenia and Azerbaijan"²² adopted by the European Parliament on May 20, 2021, the Parliament particularly "Highlights the urgent need to ensure that humanitarian assistance can reach those in need, that the security of the Armenian

¹⁸ <https://switzerland.mfa.am/en/news/2023/10/11/hrc54-%E2%80%93-joint-statement/12149>

¹⁹ <https://www.arabnews.com/node/2389056/world>

²⁰ <https://www.ohchr.org/en/statements-and-speeches/2023/09/azerbaijan-armenia-comment-un-human-rights-chief-volker-turk>

²¹ <https://news.un.org/en/story/2023/09/1141577>

²² https://www.europarl.europa.eu/doceo/document/TA-9-2021-0251_EN.html

population and its cultural heritage in Nagorno-Karabakh is ensured, and that internally displaced persons and refugees can return to their former places of residence."

On 18 January 2023, the European Parliament adopted the 2022 annual report of the general foreign and security policy,²³ where the Parliament considers that the peace agreement "has to address all the root causes of the conflict, including the rights and security of the Armenian population living in Nagorno-Karabakh, the return of displaced persons and refugees to their homes under the control of the Office of the UN High Commissioner for Refugees."

On 15 March 2023, the European Parliament adopted separate reports on EU-Armenia relations and EU-Azerbaijan relations. There are references to the right of return of the people of Artsakh in both reports.

In the report on relations with Armenia, the European Parliament "urges the governments of both countries to fully engage in the drafting of a comprehensive and mutually acceptable peace treaty that should address the security of the Armenian population in Nagorno-Karabakh, the return of internally displaced persons and refugees and the protection of cultural, religious and historical heritage."²⁴

In its resolution on relations with Azerbaijan, the European Parliament "reaffirms that, in order to be effective, a comprehensive peace treaty must include provisions that guarantee the integrity of Armenian sovereign territory, the rights and security of the Armenian population residing in Nagorno-Karabakh and other conflict-afflicted areas and the prompt and safe return of all refugees and internally displaced people to their homes."²⁵

After the ethnic cleansing of Artsakh, on 5 October 2023, the European Parliament adopted a resolution "Situation in Nagorno-Karabakh after Azerbaijan's attack and the continuing threats against Armenia,"²⁶ where what happened is essentially described as ethnic cleansing according to the definitions of the UN Security Council. Regarding the right of return, it states: "Nagorno-Karabakh Armenians have the right to live in their homes in dignity and security."

On 28 February 2024, during the plenary session, the European Parliament adopted annual reports on the EU's general foreign and security policy²⁷ as well as the EU's common defence and security policy.²⁸ There are extensive and essential

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52023IP0009>

²⁴ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0081_EN.html

²⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0082_EN.html

²⁶ https://www.europarl.europa.eu/doceo/document/TA-9-2023-0356_EN.html

²⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2024-0104_EN.html

²⁸ https://www.europarl.europa.eu/doceo/document/TA-9-2024-0105_EN.html

references in them regarding the current milestone of the Karabakh problem.²⁹ In the annual report on the implementation of the general foreign and security policy of the EU, the authorities of Azerbaijan are called upon to allow the safe return of the Armenian population to Nagorno Karabakh and to provide firm guarantees regarding the protection of their rights.

Until now, the last time the European Parliament addressed the right of return of Artsakh Armenians was in 2024, with the resolution adopted on March 13, "on closer ties between the EU and Armenia and the need for a peace agreement between Azerbaijan and Armenia."³⁰ Regarding the right of return, the European Parliament "alls on Azerbaijan to genuinely engage in a comprehensive and transparent dialogue with the Karabakh Armenians to ensure respect for their rights and guarantee their security, including their right to return to and live in their homes in dignity and safety under international presence, to access their land and property rights, to maintain their distinct identity and fully enjoy their civic, cultural, social and religious rights."

EU Commission and Council

As for the executive wing of the European Union, —represented by the European Council, the European Commission, and the European Service for External Actions—, it has repeatedly referred to the right of return of the people of Artsakh.

On 22 September 2023, the head of the European External Action Service and high representative of the EU foreign and security policy, Josep Borrell, in his speech to the UN Security Council, specifically stated: "Azerbaijan bears the responsibility to ensure full respect for the rights and security of Karabakh Armenians. [...] We, therefore, ask Azerbaijan [...] to engage in a comprehensive and transparent dialogue with the Karabakh Armenians to ensure their rights and security, including their right to live in their homes in dignity."³¹

Peter Stano, spokesman of the European Commission on Foreign and Security Policy, announced on 17 November 2023, in an interview with Armenpress: "We are demanding very clearly, that the people of Nagorno Karabakh need to have guarantees for a safe return. You know, their property cannot be reoccupied or confiscated or resettled by someone else. There needs to be guarantees for the safe return of these people if they decide to return. [...] We need to use diplomatic and political means

²⁹ <https://eafjd.eu/we-need-tangible-steps-from-the-eu-eafjds-comment-on-the-recent-the-ep-resolutions-with-provisions-on-nagorno-karabakh-and-the-republic-of-armenia/>

³⁰ https://www.europarl.europa.eu/doceo/document/RC-9-2024-0163_EN.html

³¹ https://www.eeas.europa.eu/eeas/azerbaijan-address-high-representative-josep-borrell-un-security-council-nagorno-karabakh_en?s=177

through international fora and through cooperation with international partners to make sure that there are enough guarantees so that people, if they decide so, they can return to their homes."³²

Three days after this announcement, on November 20, the European Union's special representative on the crisis in the South Caucasus and Georgia, Toivo Klaar, spoke about the right of return of the Artsakh Armenians, highlighting the core need for the former residents of Nagorno Karabakh to return to their homes safely. He argued that the EU encourages displaced persons to return safely and securely if they wish and that conditions should be created to facilitate their return.³³

On 29 September 2023, the mission of the European Union in Armenia also made a statement regarding the right of return of Artsakh Armenians. The part of the declaration regarding the right of return is as follows: "Azerbaijan bears the responsibility to ensure the rights and security of the Karabakh Armenians, including their right to live in their homes in dignity without intimidation and discrimination, as well as the right to return for those displaced. It is essential that a UN mission can access the territory within the next days."³⁴

On 11 October 2023, as mentioned above, 24 of the 40 states that signed the joint statement presented by France at the UN Human Rights Council are members of the European Union and as such are members of the Council of the EU. Only Hungary, Italy, and Romania did not sign the said statement.

On 12 December 2023, EU High Representative Josep Borrell again referred to the right of return, stating, "The EU has called upon Azerbaijan to ensure the rights and security of Karabakh Armenians, including the right of return for those displaced, and to allow permanent international monitoring of the situation on the ground, in addition to the visits of a United Nations mission."³⁵

On 4 March 2024, the EU representative at the UN Human Rights Council stated, among other things: "The EU equally emphasises the importance of ensuring the rights and security of Karabakh Armenians, as well as to create the conditions for the voluntary, safe, dignified and sustainable return of refugees and displaced persons to Nagorno-Karabakh, in particular their right to live in their homes in dignity, without intimidation or discrimination. In addition, the cultural heritage and property rights of the local

³² <https://armenpress.am/eng/news/1124344.html>

³³ <https://armenpress.am/eng/news/1124489.html>

³⁴ https://www.eeas.europa.eu/delegations/armenia/azerbaijan-statement-spokesperson-displacement-people-nagorno-karabakh_en

³⁵ https://www.europarl.europa.eu/doceo/document/E-9-2023-002830-ASW_EN.pdf

population need to be effectively protected and guaranteed. The full implementation of the ICJ orders is of utmost importance."³⁶

The mission of the European Union accredited to the UN Geneva office and other international missions in the "EU Priorities in UN Human Rights Fora in 2024", mentioned the realisation of the right of return of the people of Artsakh under item 18. "The EU will emphasise the importance of ensuring the rights and security of the Karabakh Armenians, as well as to create the conditions for the voluntary, safe, dignified and sustainable return of refugees and displaced persons to Nagorno-Karabakh, in particular their right to live in their homes in dignity, without intimidation or discrimination. In addition, the cultural heritage and property rights of the local population need to be effectively protected and guaranteed."³⁷

Council of Europe and its Parliamentary Assembly

The Council of Europe and its various structures have, on several occasions, spoken out about the need to realise the right of return of Artsakh Armenians. The Parliamentary Assembly of the Council of Europe (PACE) on 12 October 2023, adopted recommendation No. 2260 (2023) on The humanitarian situation in Nagorno-Karabakh³⁸, which says on the issue of return: "[T]he Assembly requests that the Secretary General and the Committee of Ministers do everything possible to organise a Council of Europe fact-finding mission to Azerbaijan as swiftly as possible, with the aim of assessing and outlining the measures to be put in place to protect the rights of the Armenians of this region, including those who have sought refuge outside the country, and to ensure the safe return of those who wish to do so." At the same session, the PACE adopted resolution No. 2517 (2023)³⁹ with the same title, which mentions Azerbaijan's obligations for the return of Artsakh Armenians five times.

Also worth mentioning are the 2024 works of CE Human Rights Commissioner Dunya Mitovic and the observations⁴⁰ of January 12, which the latter made after she visited the region in October 2023.

³⁶ https://www.eeas.europa.eu/delegations/un-geneva/hrc55-item-2-general-debate-oral-update-high-commissioner-eu-statement_en

³⁷ https://www.eeas.europa.eu/delegations/un-geneva/council-conclusions-eu-priorities-un-human-rights-fora-2024-0_en?s=62

³⁸ <https://pace.coe.int/en/files/33146/html>

³⁹ <https://pace.coe.int/en/files/33145/html>

⁴⁰ <https://www.coe.int/en/web/commissioner/-/armenia-and-azerbaijan-effective-human-rights-protection-of-all-persons-affected-by-the-conflict-over-the-karabakh-region-is-key-to-the-success-of-the-peace-process>

France

The implementation of Artsakh Armenians' right of return was highlighted by the French Senate in a resolution adopted on 18 November 2020, "regarding the need to recognise the Republic of Nagorno-Karabakh,"⁴¹ and by a resolution adopted on 17 January 2024, which is titled "Condemning Azerbaijan's military offensive in Nagorno-Karabakh and preventing any further attempts at aggression and violation of the territorial integrity of the Republic of Armenia, calling for sanctions against Azerbaijan and calling for the guarantee of the right of return of the Armenian population to Nagorno-Karabakh."⁴²

In the first resolution the Senate of France "Calls upon the Government to make every effort to ensure that discussions with a view to a negotiated and lasting settlement of the conflict, ensuring the restoration of the borders defined in 1994, the security of the Armenian population and the right of return of displaced persons, as well as the preservation of Armenian cultural and religious heritage, can resume without delay within the framework of the Minsk Group, of which France is co-chairman." In the second resolution, the Senate "Recalls that respect for the right of peoples to self-determination, which applies to the Armenian population of Nagorno-Karabakh, is the only possible path towards a lasting peace between Azerbaijan and Armenia and that it is the responsibility of States to respect and protect this right and that, therefore, it is the duty of the international community to demand that Azerbaijan make every effort to guarantee the right of return of the Armenian population to Nagorno-Karabakh in conditions likely to ensure their safety and well-being."

On 4 October 2023, Foreign Minister Catherine Colonna denounced the "serious crimes" committed in Nagorno-Karabakh describing them as "a flagrant violation of the rights of the Armenian people of Nagorno-Karabakh to live with respect for their history, their identity." Following this assault, some 100,000 people fled Nagorno-Karabakh to reach Armenia, "with the complicity of Russia" and "under the watchful eye of Turkey", pointed out Catherine Colonna. These populations have the "right to return to their land" if that is their wish, she affirmed, indicating that the subject was notably brought to the UN Security Council.⁴³

Kingdom of Belgium

Belgium's social and political circles also sufficiently discussed Artsakh Armenians' right of return. The problem was addressed by the House of Representatives

⁴¹ <https://www.senat.fr/leg/ppr20-145.html>

⁴² <https://www.senat.fr/tableau-historique/ppr23-157.html>

⁴³ <https://www.lcp.fr/actualites/armenie-sahel-catherine-colonna-fait-le-point-sur-les-dossiers-internationaux-devant-les>, <https://armenpress.am/eng/news/1121779.html>

of the Federal Parliament of Belgium, which, on 17 December 2020, adopted a resolution⁴⁴ where, among other things, there is a reference to the right of return.

On 4 October 2023, the Flemish Parliament of Belgium adopted a resolution calling on the European Commission to provide the necessary humanitarian aid to the Armenian refugees of Nagorno-Karabakh and calling on Azerbaijan to allow the ethnic Armenian population to return safely and live in Nagorno-Karabakh under international supervision.⁴⁵

United Kingdom

Individual members of both chambers of the Parliament of the United Kingdom, with their speeches, have emphasised the right of Artsakh citizens to return. The issue was also raised during special discussions⁴⁶ organised in the parliament. On 19 March 2024, emphasising the right of return of Artsakh Armenians, a debate was held in the Westminster Hall titled "International support for the Armenian refugees of Nagorno-Karabakh."⁴⁷

In response to a query from UK MP Andrew Bridgen, Parliamentary Under-Secretary (Foreign, Commonwealth and Development Office) Leo Docherty at the end of March 2024⁴⁸ announced that the United Kingdom government believes that Azerbaijan should create conditions for the safe and secure return of ethnic Armenians who — during the September military operation— were displaced and wish to return. On 9 November 2023, Deirdre Brown, Deputy Ambassador of the United Kingdom to the Organisation for Security and Cooperation in Europe (OSCE), made a similar statement.⁴⁹

United States of America

In the United States of America the right of return of Artsakh Armenians has been addressed on various occasions by representatives of the executive branch and by many representatives of the legislative branch.

In particular, US Ambassador to the OSCE Michael R. Carpenter announced on 10 March 2023, that "Nagorno-Karabakh residents who have departed for Armenia

⁴⁴ <https://www.lachambre.be/doc/flwb/pdf/55/1597/55k1597010.pdf#search=%22doc%2055%201597/010%20%22>

⁴⁵ <https://www.vlaamsparlament.be/nl/parlementaire-documenten/parlementaire-initiatieven/1767556>

⁴⁶ January 10, 2024, <https://parliamentlive.tv/event/index/ee24ad75-dcc5-4b53-9081-1436ed3f45dd>,

⁴⁷ <https://researchbriefings.files.parliament.uk/documents/CDP-2024-0059/CDP-2024-0059.pdf>

⁴⁸ <https://en.armradio.am/2024/03/26/azerbaijan-must-create-the-conditions-for-a-safe-and-secure-return-of-armenians-to-nagorno-karabakh-uk-minister-says/>

⁴⁹ <https://www.gov.uk/government/speeches/latest-situation-in-nagorno-karabakh-uk-statement-to-the-osce>

should be able to return to their homes if they so choose, once it is safe to do so."⁵⁰

On 14 November 2023, US State Department spokesman Matthew Miller announced during a briefing "that we continue to believe that people who have left Nagorno-Karabakh have the right to come home if they wish to do so, and that's a right that should be upheld."⁵¹

Deputy Assistant Administrator of the US Agency for International Development, Alexander Sokolowski, during the session of the Foreign Affairs Committee of the House of Representatives on 15 November 2023, announced: "Administrator Power and acting Assistant Secretary Kim then traveled to Azerbaijan, where they met with President Ilham Aliyev to express deep U.S. concerns with Azerbaijan's military operation in Nagorno-Karabakh and to press the Azerbaijani government to allow humanitarian access to populations in need of assistance in the territory, protect Armenian religious and cultural sites in Nagorno Karabakh, and take demonstrable steps to establish conditions on the ground that would give ethnic Armenians the confidence that they can return."⁵²

On the right of return of Artsakh Armenians, also James C. O'Brien, Assistant Secretary of State for European and Eurasian Affairs, spoke on 15 November 2023, stating, "We have urged Azerbaijan to ensure all ethnic Armenians who have departed Nagorno-Karabakh are guaranteed a safe, dignified, and sustainable return, should they so choose, with their rights and security guaranteed."⁵³

In the US Congress, Senators Ed Markey, Bill Cassidy, Gary Peters, and Tom Tillis on 4 April 2024 in a letter to Secretary Blinken call on the Biden administration to ensure the right of return: " Given the serious human rights violations perpetrated by Azerbaijan, we further urge you to label what took place in Nagorno-Karabakh in September 2023 as an ethnic cleansing and advocate for the right of Nagorno-Karabakh's Armenians to return to their homes under international guarantees."⁵⁴

Other U.S. Senate and House members also have remarked on the matter, focusing on identifying a mechanism to secure the dignified return of Artsakh Armenians with international protection to their homes of millennia.

Rep. Frank Pallone has said: "I'm not just talking about reparations. I'm talking about actually being able to go back and have a life, a secure life in Artsakh. When we meet with the State Department and our leaders here in the United States, we stress

⁵⁰ <https://osce.usmission.gov/on-the-situation-in-nagorno-karabakh-3/>

⁵¹ <https://www.state.gov/briefings/department-press-briefing-november-14-2023/#post-500797-ARMAZER>

⁵² <https://www.usaid.gov/news-information/congressional-testimony/nov-15-2023-future-nagorno-karabakh>

⁵³ <https://docs.house.gov/meetings/FA/FA14/20231115/116574/HHRG-118-FA14-Wstate-OBrienJ-20231115.pdf>

⁵⁴ <https://anca.org/press-release/senators-urge-administration-to-secure-the-release-of-armenian-pows-and-ensure-artsakhs-right-to-return-as-precondition-for-peace-talks/>

that."⁵⁵ Senator Markey has concurred, pledging, "I will continue to work to bolster the will, the rights, the freedoms of the people of Nagorno-Karabakh, including their right to return to their homeland."⁵⁶ Rep. Chu has pledged, "We will do what we can to make sure that there's justice for the people of Artsakh and that one day they can return."⁵⁷

Senator Ed Markey has committed himself "to work to bolster the will, the rights, the freedoms of the people of Nagorno-Karabakh, including their rights to return to their homeland and to ensure that Armenia has the support it needs to protect itself now and in the future." Rep. Brad Sherman has stated: "True justice is when [forcibly displaced Armenians] can return to their ancestral homes where they lived for a thousand and more years in Artsakh."⁵⁸

U.S. Presidential candidate Robert F. Kennedy, Jr. Has stressed, "the U.S. government needs to organize and mobilize the global community to take action to ensure the safe return of Armenians to Artsakh and to defend their right to self-determination."⁵⁹ He has further stated: "We must act now to hold Azerbaijan accountable by calling for the release of the hostages and enforcing sanctions until a safe and viable path for the return of the indigenous Armenians to Artsakh is achieved."⁶⁰

Canada

The position of Canada is also clear regarding the realisation of the right of return for Artsakh Armenians. Foreign Minister Joly spoke about it in Yerevan on 25 October 2023, stating: "Canada also calls on the Azerbaijani government for the respect of the right of return of the recently displaced Armenians from Nagorno-Karabakh and to show good faith in facilitating the restoration of unimpeded humanitarian access to Nagorno-Karabakh for the safe return of ethnic Armenians."⁶¹

Russian Federation

The statements made by the Russian Federation regarding the right of return of Artsakh Armenians differ from similar statements made by other countries. In particular,

⁵⁵ <https://anca.org/press-release/anca-welcomes-strong-congressional-support-for-the-safe-return-of-armenians-to-artsakh/>

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ <https://anca.org/press-release/bipartisan-bicameral-coalition-of-u-s-legislators-call-for-american-leadership-to-secure-justice-for-artsakh-and-the-armenian-genocide/>

⁵⁹ <https://anca.org/press-release/rfk-jr-i-will-do-everything-in-my-power-to-peacefully-restore-armenian-sovereignty-of-artsakh/>

⁶⁰ <https://anca.org/press-release/rfk-jr-calls-for-u-s-sanctions-on-azerbaijan-until-the-safe-return-of-armenians-to-artsakh/>

⁶¹ <https://en.armradio.am/2023/10/25/possible-sanctions-against-azerbaijan-on-the-table-canadian-fm-says/>

the Russian side does not talk about the "right of return," which is part of international law, but about "return." The other problem is that only the Russian side (except the Azerbaijani side) says that the Armenians left Artsakh voluntarily.

Perhaps one of the most voluminous references⁶² to what was said was made by Russian Deputy Foreign Minister Mikhail Galuzin in the middle of February 2024. He specifically said: "Nagorno Karabakh is currently being integrated into the legal framework of Azerbaijan. Unfortunately, most Karabakh Armenians left the region. It was their difficult but voluntary choice. In this regard, it is important to create conditions for those who wish to return while ensuring their rights and safety. We are ready to support this process, including through the Russian peacekeeping contingent, whose presence is essential."⁶³

Recently, the Russian ambassador to Armenia spoke about the issue of return, declaring that the issue of the return of Nagorno-Karabakh Armenians is essential for Russia. According to him, the presence of Russian peacekeepers in the region proves that. "We have always believed, and this has been publicly stated, that it is important that the Armenians live in their historical homeland, in Karabakh. This determines the presence of Russian peacekeepers there. For me, this is evidence that this issue is not being resolved. Those Karabakh Armenians who want to return, they have the right to do so. As I understand it, this right is not rejected from the Azerbaijani side."⁶⁴ Other Russian circles, especially the Foreign Ministry spokeswoman Maria Zakharova, have referred to the issue of the return of the Armenians to Artsakh.⁶⁵

On 17 April 2024, the Kremlin confirmed Azerbaijani media reports that Russian peacekeepers have started withdrawing from Nagorno-Karabakh after Baku's forces seized the Armenian region and forced its Armenian citizens out in 2023.

Following the 2020 44-day war, under the terms of the ceasefire deal about 2,000 Russian peacekeepers were deployed in the region for a period of five years with the possibility of further extending their stay to protect the local Armenian population as well as a vital corridor connecting the region with Armenia.

Azerbaijan, however, established its presence on the road known as the Lachin Corridor in late 2022 and effectively took it under its own control the following year, imposing a 10-month-long blockade on Nagorno-Karabakh's Armenians.

⁶² <https://tass.ru/interviews/19946235>

⁶³ <https://www.panorama.am/en/news/2024/02/10/Russia-Karabakh/2963019>

⁶⁴ <https://www.panarmenian.net/eng/news/313162/>

⁶⁵ <https://www.azatutyun.am/a/32819809.html> , https://mid.ru/en/foreign_policy/news/1914910/#103 , https://mid.ru/en/foreign_policy/news/1907469/ , https://mid.ru/en/foreign_policy/news/1907469/ , https://mid.ru/en/foreign_policy/news/1932121/ , <https://hetq.am/en/article/164151> , <https://www.azatutyun.am/a/32821082.html>

Kremlin spokesman Dmitry Peskov blamed the Russian troop withdrawal on the Armenian government's controversial decision to recognize Azerbaijani sovereignty over Karabakh. "This [withdrawal] corresponds to the current realities that have developed in the region after Armenia recognized the borders of Azerbaijan as of 1991," he told Russian state television. "The geopolitical realities there have changed, and there are no functions left for [the peacekeepers] anymore."⁶⁶

International and other organisations

Various international organisations have also referred to the right of return of Artsakh Armenians. In particular, such organisations include the World Council of Churches,⁶⁷ the Socialist International,⁶⁸ the International Christian Solidarity Organisation,⁶⁹ the Human Rights Watch,⁷⁰ the International Crisis Group,⁷¹ the Public International Law and Policy Group,⁷² etc.

Republic of Armenia

We should note that the Armenian side talked about the right of return on some occasions, mainly in meetings with UN officials or during the meetings⁷³ of the organisation at the end of 2023 and the beginning of 2024, and before that, they talked more actively about the realisation of that right in 2021, in the spring and summer, during the pre-election period.⁷⁴

Armenia is a party to the Granada Declaration and the joint declaration of 40 states, where, as mentioned above, the realisation of the right of return is discussed.

In the International Court of Justice, in the case of Armenia's claim against Azerbaijan, on 12 October 2023, the RA Representative for International Legal Affairs

⁶⁶ <https://www.azatutyun.am/a/32916157.html>

⁶⁷ <https://www.oikoumene.org/news/wcc-calls-for-international-response-to-the-needs-of-nagorno-karabakh-refugees>

⁶⁸ <https://armenianweekly.com/2024/02/27/council-of-socialist-international-adopts-resolution-on-artsakh/>

⁶⁹ <https://www.csi-int.org/news/csi-urges-armenian-right-of-return-to-nagorno-karabakh/>

⁷⁰ <https://www.hrw.org/news/2023/10/05/guarantee-right-return-nagorno-karabakh>

⁷¹ <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/responding-humanitarian-catastrophe-nagorno>

⁷²

<https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/653fca8a87273e298f8cd04f/1698679435138/PILPG+-+Nagorno+Karabakh+-+Right+of+Return+-+Oct2023.pdf>

⁷³ https://www.mfa.am/en/press-releases/2023/03/17/dfmvg.UN/11928_ https://www.mfa.am/hy/press-releases/2023/10/09/Gevorgyan_UN/12272_ https://www.mfa.am/en/press-releases/2023/11/17/vahe_UN_miroslav/12342_ https://www.mfa.am/en/press-releases/2023/12/14/vk_un/12422

⁷⁴ <https://s00001.deespaces.com/1a3bc86a-4ba1-11ed-aeb9-93b71599bd52/b0638ef3-03c8-40b5-989c-50bfd2f0297.pdf>

presented Armenia's demand that "Azerbaijan should not carry out actions aimed at directly or indirectly displacing Armenians remaining in Nagorno-Karabakh or preventing the quick and safe return of displaced persons during recent military attacks, including those who fled to Armenia or third countries."⁷⁵

Epilogue

In summary, let us note that the international community has an unquestionable demand regarding the realisation of the right of return of the people of Artsakh. In this situation, Armenian political thought should try to crystallise the ideas about the provisions of the international guarantee mechanisms for the realisation of the right of return. It is obvious that currently, the authorities of Armenia avoid raising this issue, concerned that in turn, Azerbaijan may 'supplement' the right of return by raising the right of 'return' of Azerbaijanis to Armenia. Until the withdrawal of its peacekeepers from Karabakh, the Russian side also had its interests in this matter, for which the return of even a small group of Artsakh Armenians was seen as a guarantee of maintaining its presence there. Under these conditions, the Artsakh Armenian side rejects the offers of partial return, raising the issue of collective return and international warranty.

Several parties of the Republics of Armenia and Artsakh issued a joint statement on March 14, 2024, stating: " We are sure that the establishment of stable peace in the region can be achieved only with the collective return of the people of Artsakh, under international guarantees. We are sure that this is understood by all actors of the region and involved in it."⁷⁶

⁷⁵ <https://armenpress.am/eng/news/1121822.html>

⁷⁶ <https://www.csi-int.org/news/csi-urges-armenian-right-of-return-to-nagorno-karabakh/>

Appendix

President of the Republic of Artsakh

Karabakh Leader Hopes for Mass Repatriation

Nagorno-Karabakh's ethnic Armenian population, which fled to Armenia following the recent Azerbaijani military offensive, could and should be able to return to its homeland, Karabakh's exiled president said over the weekend.⁷⁷

Samvel Shahramanyan also defended his decision to accept the Azerbaijani terms of the ceasefire that stopped the September 19-20 [2023] offensive. It allowed more than 100,000 Karabakh Armenians, including military personnel, to "safely leave Artsakh," Shahramanyan said in an interview with Karabakh television posted on social media. He noted Russian peacekeepers' failure to try to stop the assault.

The Azerbaijani demands accepted by him included the dissolution of Karabakh's government bodies and armed forces. In addition, Shahramanyan signed a decree on September 28[, 2023] saying that the self-proclaimed Nagorno-Karabakh Republic (NKR), set up in September 1991, will cease to exist on January 1[, 2024].

"Hours after the start of the hostilities I realized that we are alone in the face of that aggression," Shahramanyan told Artsakh Public Television. "It can be said that the Russian side was acting like an observer, and we had to solve our issues on our own."

"It was clear to us that we must stop the hostilities because we were greatly outnumbered and the longer we held out the more casualties we would have suffered," he said, adding that his administration managed to "save the lives" of not only the surviving Karabakh soldiers but also civilians.

Shahramanyan implied that his September 28 decree is null and void when he was confronted by dozens of angry Karabakh refugees in Yerevan on October 20[, 2023]. He sounded more ambiguous on that score in his latest interview.

"Without going into details, I want to state that we know the validity and impact of that document and we will get to discuss it," said the Karabakh leader.

Shahramanyan further made clear that one of his top priorities now is to assert "the right of our citizens displaced from Artsakh to return home."

"Various political centers -- the American, European and Russian ones -- are interested in the issue of the return of the population," he said. "I think that Azerbaijan is also interested in that because they are accused by the international community of

⁷⁷ <https://www.azatutyun.am/a/32659975.html>

forcibly deporting the population. And I think that negotiations should start on that issue.”

The Azerbaijani government has said that the Karabakh Armenians are free to return to their homes if they agree to live under Azerbaijani rule. Only a few dozen of them are thought to have stayed in the depopulated region.

Shahramanyan was elected president by Karabakh lawmakers just ten days before the Azerbaijani offensive. His predecessor Arayik Harutiunian, who was arrested by Azerbaijan after the assault, was seen as a figure more loyal to Armenian Prime Minister Nikol Pashinian.

Pashinian’s political allies have openly blamed the Azerbaijani takeover of Karabakh on the leadership change in Stepanakert. Shahramanyan dismissed their accusations. But he was careful not to echo Armenian opposition claims that Pashinian himself precipitated the fall of Karabakh with his decision to recognize Azerbaijani sovereignty over the territory.

Artsakh President's Interview with Le Figaro

In an interview with France’s Le Figaro daily published on 28 March 2024, Shahramanyan said that all NKR’s bodies continue to formally operate after fleeing Karabakh along with the region’s entire ethnic Armenian population last September.

“This building where I am receiving you houses the presidential, legislative and judicial offices of Artsakh,” he said. “Lawmakers can meet here to vote.”

Shahramanyan also reiterated that his September 28 decree liquidating the NKR is not valid. He said that he had to sign the decree in order to enable the Karabakh Armenians to safely flee to Armenia amid an Azerbaijani military offensive.⁷⁸

In the interview with Le Figaro, Shahramanyan focused on the return of Karabakh political prisoners held in Azerbaijan. He noted that in addition to 8 former leaders of Artsakh, there are 7 more soldiers who were captured in September [2023].

Shahramanyan noted that at the moment, there is no set date for trials.

Shahramanyan asked France to put pressure on Azerbaijan to release all Armenian prisoners. “I demand their immediate and unconditional release, as well as the release of all Armenian prisoners arbitrarily arrested, unjustifiably imprisoned, and victims of unfounded accusations. And I ask France to put pressure on President Aliyev to achieve this release,” the President said.

⁷⁸ <https://www.azatutyun.am/a/32881240.html>

Answering the question about the number of remaining Armenians in Artsakh, Shahramanyan announced the number as 10-11 who are too sick or disabled to move freely and have chosen to be close to remains of their ancestors.

Touching upon conversations about whether there is a connection between the elections of the fifth president of Artsakh and the subsequent attack, Shahramanyan rejected the possibility of a connection, recalling that the Azerbaijanis had already amassed troops on the contact line before.

"It was obvious that after nine months of blockade aimed at weakening us, they were going to attack," he said.⁷⁹

I understood that the document to "dissolve" the NKR [Nagorno-Karabakh Republic] was illegal, but it was the only way to save the compatriots. According to Sputnik Armenia, the Artsakh (Nagorno-Karabakh) President in exile, Samvel Shahramanyan, in his Le Figaro interview.

"Due to the imbalance of forces, we did not have the opportunity to show resistance [against Azerbaijan], that's why we quickly established contact with the Azerbaijanis, so that the civilian population would be free from combat operations as much as possible.

After twelve hours of negotiations, we put an end to combat operations. The very next day, the citizens of Artsakh asked to evacuate to Armenia, fearing mass murders by the invaders. Thus, we started the second round of negotiations so that their evacuation goes as smoothly as possible," he said.

To the question whether there is a state and government in exile, Shahramanyan responded: "Yes, the office of the President of Artsakh and the offices of the judicial and legislative structures [of Artsakh] are located in the building where I am hosting you in [Armenia's capital] Yerevan. Parliamentarians [of Artsakh] can gather here to vote. A decree was signed in October, which stipulates that all [Artsakh] government ministers remain in their positions on a voluntary basis."

And answering the question about the Artsakh Armenians' possible return to their homes, Shahramanyan said: "In the current situation, it is unrealistic to think about returning to our territory occupied by Azerbaijanis. It is necessary to take into account the realities of the peoples of Azerbaijan and Artsakh who consider themselves enemies. In Baku, Azerbaijanis are taught at school that Armenians are enemies. It will take years for the mindset of the Azerbaijani people to change and peaceful coexistence between the [two] neighbors to become possible. And I am thinking here as much about the

⁷⁹ <https://mirrorspectator.com/2024/04/02/pashinyan-warns-karabakh-leaders-after-shahramanyan-le-figaro-interview/>

Armenians of Armenia as about the Armenians of Artsakh. How can the authorities of Yerevan consider their country safe, when some parts of its territory are already occupied by Azerbaijanis, and the leaders of Baku publicly declare their rights to other [Armenian] territories?"⁸⁰

Shahramanyan has not been actively involved in Armenian politics since September 2023, after signing a capitulation agreement that acknowledged the de facto Nagorno-Karabakh Republic would cease to exist as of January 1, 2024. Yet, in his interview with the Le Figaro, Shahramanyan spoke about the involvement of Karabakh's state bodies in the development of Artsakh's representative office in Yerevan. He mentioned that members of the de facto Karabakh government continue to fulfill their duties in Armenia voluntarily. The Armenian government, which provided most of the budget for the Nagorno-Karabakh territory, eliminated funding following the Azerbaijani takeover of the region.⁸¹

National Assembly of the Republic of Artsakh

The Artsakh National Assembly decided to establish a special committee

On December 2, 2023, in a closed session, yet leaked to the press, the Artsakh parliament, currently based in Armenia and recognized as the legitimate elected body representing the will of the people, made a decision to establish an international committee dedicated to defending and advocating for their fundamental rights. This notably includes the right to the collective return to their homeland, backed by international guarantees.⁸²

The Newly-Formed Committee for the Defense of the Fundamental Rights of the Artsakh People Announces Inauguration. Vartan Oskanian to Oversee Its Activities

Today (28 January 2024), the Committee for the Defense of the Fundamental Rights of the People of Artsakh (Nagorno-Karabakh) officially introduced itself to the public, marking the commencement of its activities.

According to a statement released by the Committee, "the oversight of the Committee's operations has been entrusted to the former Foreign Minister of the Republic of Armenia, Vartan Oskanian." Further details regarding the Committee's other members, objectives, and strategies are expected to be disclosed "in the coming days," as conveyed by a brief press release issued by the Committee.

⁸⁰ <https://news.am/eng/news/814812.html>

⁸¹ <https://eurasianet.org/pashinyan-puts-kibosh-on-karabakh-government-in-exile>

⁸² <https://www.civilnet.am/en/news/762362/new-committee-for-artsakh-peoples-rights-inaugurated-oskanian-to-lead/>

In a Facebook posting, Oskanian defined the committee’s primary mission as “to advocate for and pursue the right of the collective repatriation of the Artsakh people to their homeland with international guarantees,” adding that “enduring peace in the region is unattainable when a segment of the Armenian people is forcibly uprooted from its homeland, and a coerced notion of ‘peace’ is imposed upon Armenia.”

[Artsakh Parliament Announcement on Anniversary of Independence Referendum](#)

Members of the Artsakh National Assembly, who were forcibly displaced and now reside in Armenia, marked the anniversary of Artsakh’s Independence Referendum of 1991, as well as the International Days of Human Rights and the Prevention of genocides, by visiting the Yerablur National Cemetery on Sunday, December 10, 2023. To mark those occasions, they also issued the following announcement.⁸³

In the annals of the Artsakh National Liberation Struggle, the independence referendum of 1991 became the founding of the republic based on self-determination and democratic principles. The Independence Referendum of 1991 was the cornerstone on which the Republic of Artsakh was built and became the pride and beacon of victory for all Armenians. On the same day in 2006, the people of Artsakh once again expressed their will to have an independent state and to continue their struggle for freedom through the referendum adopting the Constitution.

On September 19, 2023, as a result of Azerbaijan’s military attack, hundreds of our compatriots were killed, including women and children, and Artsakh — the millennia-old homeland of the Armenian people — was depopulated.

Given the impossibility of guaranteeing security and rights, the population of Artsakh resorted to the extreme step of abandoning its homeland. The international community also gave its assessment of all this. The foreign ministries of France and Cyprus, the German Bundestag, the parliaments of Austria and the Netherlands, the European Parliament, the Lemkin Institute for the Prevention of Genocide, and other authoritative international organizations described what happened in Nagorno Karabakh as ethnic cleansing.

After committing genocide against Armenians, Azerbaijan forced the President of the Republic of Artsakh to sign a document, as a precondition for the cessation of hostilities, in order to appease international stakeholders and justify its actions.

From the onset, the document imposed by Azerbaijan was unconstitutional, given

⁸³ <https://artsakhforum.net/?p=2392>

the inherent dangers of the population facing genocide, hindering their free movement and arbitrary arrests, the president adopted a decree by which the state institutions of Artsakh would be dissolved by January 1, 2024, and the population would make a decision. to leave the homeland or stay under Azerbaijani rule.

Taking into account the intensity of the steps taken by the parties interested in the final closure of the Artsakh issue and the aggressive behavior of the parties interested in it, the National Assembly reaffirms its commitment to stand up for the rights of the people of Artsakh and expresses its readiness to discuss all contentious issues with the interested parties.

The National Assembly of the Republic of Artsakh, continues to remain faithful to the mandate bestowed on it as a result of the expression of the free will of the people of Artsakh, and is determined to protect the rights and freedoms achieved by the blood and sweat of thousands of Armenians.

National Assembly of the Republic of Artsakh

The leadership of the Artsakh National Assembly met with the coordinator of the Committee on Artsakh

Today, on February 19, 2024, Gagik Baghunts, the Deputy Speaker of the National Assembly of the Republic of Artsakh, acting as the President, and the leaders of the factions met with Vartan Oskanian, the coordinator of the Committee for the Defense of Fundamental Rights of the People of Artsakh.

The participants of the meeting emphasized that the Nagorno Karabakh issue has not been resolved, that the depopulation and temporary occupation of Artsakh cannot eliminate the inalienable right of the people of Artsakh to self-determination, the natural requirement to live safely and securely in their thousand-year-old homeland, which is set by the norms of international law.

The steps necessary to create a safe and legal environment under strong international guarantees for the repatriation of Artsakh Armenians and the implementation of safe and secure life activities, excluding threats to physical existence and identity, were discussed. In that direction, the purposeful and targeted coordination of the efforts of pan-Armenian structures and individuals was highlighted.

Any manifestation of manipulation and abuse of the issue of the repatriation of Karabakh nationals was considered unacceptable.⁸⁴

⁸⁴ <https://www.arfd.am/new/news/70523/>

*Declaration of the political forces of Artsakh and Armenia: The right of collective return of Artsakh people should be included in the agenda of negotiations.*⁸⁵

24 March 2024

The current authorities of Armenia have a historical responsibility and are obliged to make diplomatic efforts to prevent the danger of complete isolation of our state in the region and the loss of subjectivity. For that, the first and inevitable condition is to have a clear position in the negotiation process and demonstrate principled behavior.

The political forces of Artsakh and Armenia issued a statement about this.

We, the undersigned, demand that the authorities of Armenia include the claim of the Artsakh people to exercise their collective right to return to Artsakh under international guarantees in the foreign policy agenda and to make a subject of mandatory discussion within the framework of the negotiation process.

The ethnic cleansing and dispossession of the people of Artsakh is the result of Azerbaijan's gross violation of the norms of international law and political agreements, and there is no international actor who will be able to deny the right of the Armenian side to bring the issue to the agenda.

Living freely in their thousand-year-old homeland without obstacles and with international guarantees is the inalienable right of the Artsakh people and its precondition is the collective return, which is stipulated by international fundamental conventions and documents, as well as by the decisions of the International Court of Justice regarding Artsakh.

There can be no expectation of peace in the South Caucasus, let alone a guarantee, until the Armenian side formulates and brings the demand for justice to the agenda. The proof of this is the behavior of Azerbaijan and the futile attempts of the Armenian side to achieve peace. It is not possible to achieve peace and settlement in a situation where one of the parties is deprived of the opportunity to defend its interests.

We are sure that the establishment of stable peace in the region can be achieved only with the collective return of the people of Artsakh, under international guarantees. We are sure that this is understood by all actors of the region and involved in it. It is the responsibility of the Armenian government, at least in this matter, to demonstrate diplomatic skill and political will in favor of neutralizing existential threats to Armenia and the Armenian people.

⁸⁵ <https://artsakhforum.net/?p=2803>

"Azat Hayrenik-CMD" Faction (In the National Assembly of Artsakh)

Artsakh structure of "Armenian Revolutionary Federation"

"Justice" Party of Artsakh

Artsakh "Democratic" Party

"Armenia" Alliance (National Assembly of Armenia)

"I have honor" Alliance (National Assembly of Armenia)

"National Security" Party

"Democratic Party of Armenia"

"Republican Party of Armenia"

"Hayaqve" Civil Initiative

"Together" Movement

*Karabakh parliament three factions: Russian peacekeeping troops' withdrawal from Artsakh is unacceptable*⁸⁶

The process of the withdrawal of the Russian peacekeeping troops from the territory of the Republic of Artsakh occupied by Azerbaijan, which started a few days ago, is very worrying for the 150 thousand Artsakh citizens who were deported from their homeland months ago under the real threat of genocide. In the previous months, for the legitimate authorities elected by the people of the Republic of Artsakh and for the factions of the National Assembly, the issue of dignified and collective return has been and continues to be a priority, in which guaranteeing of our fundamental rights and security is of cornerstone importance.

After September 27, 2020, our region has ended up in the realm of serious transformations, and the situation created after the 44-day war [of 2020] does not in any way guarantee the expected and promised lasting peace and stability. The people of Artsakh, regardless of their will, found themselves in the trap of the provisions of the Trilateral Declaration of November 9, 2020, and believed in the assurances of the high leadership of the Russian Federation to ensure their security. We are forced to record with pain and regret that the fate of the people of Artsakh became a matter of secondary importance for all the parties that signed the Trilateral Declaration, due to which Artsakh was completely depopulated of Armenians in September 2023.

At the same time, it is obvious that the absence of an international presence in

⁸⁶ <https://artsakhforum.net/?p=2659>

Artsakh will give additional freedom to the military and political leadership of Azerbaijan, which is implementing a policy of destroying ‘everything Armenian’ and erasing the Armenian trace in general. In such a situation, the centuries-old Armenian spiritual, cultural monuments, Armenian property, and national property will be under threat.

It is an inalienable right of the people of Artsakh to live safely and securely in their millennium-old homeland with international guarantees, the preservation of all rights and freedoms, and the three factions of the National Assembly of the Republic of Artsakh are concerned that the withdrawal of international organizations from Artsakh in general, and the withdrawal of Russian peacekeeping troops in particular, endangers that right. At the same time, we consider it important to emphasize that making such decisions without discussions with the representatives of the native people of the region, the Artsakh Armenians, is unacceptable and cannot in any way contribute to the establishment of stable, long-term peace, and the resolution of the problem.

Based on the above, the factions of the National Assembly of the Republic of Artsakh urge the relevant structures of the Russian Federation and their officials to immediately start consultations and discussions with the legally elected representatives of the people of Artsakh about the real reasons for the withdrawal of the RF peacekeeping troops from the territory of the Republic of Artsakh, the catastrophic situation created as a result, the many challenges caused, and on making the necessary efforts to overcome them.

Justice Faction

ARF Dashnaktsutyun Faction

Democratic Party of Artsakh Faction

Yerevan, 19. 04. 2024

The Committee for the Protection of the Fundamental Rights of the Artsakh People

First Statement of the Committee for the Defense of the Fundamental Rights of the People of Artsakh

January 18, 2024 – The committee for the defense of the right to collective repatriation of the people of Artsakh and their other fundamental rights has been established.

As per the recommendation of the members of the Committee, the responsibility for overseeing the Committee’s activities has been assigned to the former Foreign

Minister of the Republic of Armenia, Vartan Oskanian.

The Committee will provide information about the start of its activity, the Committee members, and other details in the coming days.

We anticipate that individuals, groups, and institutions engaged in activities for the defense of the fundamental rights of the people of Artsakh will coordinate their work with this mandated Committee.⁸⁷

The Committee for the Defense of the Fundamental Rights of the Artsakh People was mandated by a resolution of the Artsakh Parliament dated December 2, 2023

[Statement of the Committee for the Defense of Fundamental Rights of the People of Artsakh](#)

February 2, 2024 – The Committee for the Defense of Fundamental Rights of the People of Artsakh issued a statement⁸⁸ on Friday. It reads as follows:

In furtherance of its statement dated January 18, 2024, the Committee for the Defense of Fundamental Rights of the People of Artsakh (Nagorno-Karabakh) informs that the initial composition of the Committee includes the following individuals:

- Vartan Oskanian, Foreign Minister of Armenia (1998-2008)
- Gegham Stepanyan, Human Rights Defender of Artsakh
- Karen Bekaryan, Chairman of the Board, “Insight” Analytical Center for Applied Policy and Research, Armenia
- Mario Nalpatian, Member of Armenian National Committee – International, Argentina
- Kaspar Karampetian, President, European Armenian Federation for Justice and Democracy, Belgium
- Karnig Kerkonian, International Lawyer, USA

The Committee will expand to include additional members, incorporating also individuals from Russia and the Middle East.

The primary mission of the Committee is to pursue and defend the Artsakh people’s right of collective return under tangible international protections, ensuring their safe, secure, and dignified resettlement in their homeland. The people of Artsakh have

⁸⁷ <https://artsakhforum.net/?p=2586>

⁸⁸ <https://artsakhforum.net/?p=2370>

been forcibly displaced from their homes and lands under the threat of genocide. It is their inherent and inalienable right to return to their homeland without hindrance and to continue their normal democratic life, which was interrupted by military aggression. They should be able to safeguard their language, cultural, and religious heritage, reclaim their property, organize their lives, and maintain their distinct identity according to internationally accepted norms. The right of individuals displaced by conflict to return to their homes voluntarily and safely is recognized as a customary norm of international humanitarian law and is protected by the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, and numerous regional conventions. Furthermore, on November 17, 2023, the International Court of Justice (ICJ) ruled that the Republic of Azerbaijan must ensure the safe and unhindered return of those who left Nagorno-Karabakh after September 19, 2023.

The Committee will engage in multilateral initiatives on international platforms to advocate, introduce, substantiate, and champion the interests and rights of the people of Artsakh. Additionally, the Committee will serve as the representative voice for the people of Artsakh in dealings with state and political entities, as well as in international instances, forums, and courts. The Committee will undertake sustained efforts with the Artsakh Armenians, the public in Armenia, and compatriots in the Diaspora, aiming to unite all available resources, including civil society, mass media, academic and professional circles, in pursuit of the aforementioned objectives. The Committee anticipates that the authorities of Armenia and all political forces will show support and a willingness to cooperate. The Committee is ready to work with anyone and everyone willing to assume responsibility for the goals pursued by this mandated Committee.

The Committee for the Defense of the Fundamental Rights of the Artsakh People was mandated by a resolution of the Artsakh Parliament dated December 2, 2023

[STATEMENT on European Parliament Resolution of 12 March 2024](#)

March 19, 2024 – The Committee for the Defense of the Fundamental Rights of the Artsakh People welcomes the initiative of the European Parliament, in point 14 of its resolution of 12 March 2024, confirming unequivocally the right of the Artsakh Armenians to return to their homeland under international presence.

The Parliament's firm call underlines the reality that the security and safety of the Artsakh Armenians cannot be guaranteed without international presence and protection. Consistent with the formulation announced in the resolution and the orders of the International Court of Justice, the Committee stands ready to engage in an internationally-mandated process that ensures the return of the Artsakh Armenians to their homeland under international protection, in a manner that is secure, dignified, and respects their right to self-determination.

The right of the Artsakh Armenians to return to their homeland under international protection is not a negotiable stance but a mandate grounded in the fundamental principles of human rights and international law.

Contrary to Azerbaijan's unconstructive response to the resolution, the Parliament's engagement on this issue is not only warranted and welcome but crucial and consequential. The European Parliament's stance here underscores the indispensable role of international oversight in ensuring the safe and dignified return of the Artsakh Armenians to their native homeland, as well as in safeguarding Armenian religious and cultural heritage that is now subject to daily demolition and desecration.

It is imperative that an international mechanism and format be established immediately to address the fundamental rights of the Artsakh people. We call upon Member States and international bodies to actively work to remedy the ongoing deprivation of the fundamental rights and prevent the ultimate destruction of the indigenous Artsakh people, and we urge EU institutions, including the EU Executive, to take immediate action to implement the important steps outlined in the Resolution.

Forced displacement cannot be legitimized as a method of conflict resolution. Acknowledging the gravity of the situation, and cooperating with international efforts to ensure peace and justice, is the only path to genuine reconciliation and a sustainable peace.⁸⁹

The Committee for the Defense of the Fundamental Rights of the Artsakh People was mandated by resolution of the Artsakh Parliament dated December 2, 2023

[A Meeting in Antelias on Artsakh Issues](#)⁹⁰

On Saturday evening, April 20th, 2024, a meeting convened at the office of His Holiness Catholicos Aram I to address concerns regarding Artsakh.

Attendees included Dr. Luis Moreno Ocampo, Founder and Former Chief Prosecutor of the International Criminal Court (ICC), Vartan Oskanian, Former Minister of Foreign Affairs in Armenia, and Mario Nalbandian, Vice-President of the Socialist International.

The discussion focused on exploring political and legal avenues to address the right of the indigenous Armenians of Artsakh to return to their homeland and the release of the political prisoners and prisoners of war held in Azerbaijan.

⁸⁹ <https://artsakhforum.net/?p=2303>

⁹⁰ <https://www.armenianorthodoxchurch.org/en/archives/61970>

*HRC54 – Joint Statement Situation in Nagorno-Karabakh*⁹¹

During the 54th session of the UN Human Rights Council held in Geneva on October 11th, 2023, 3492 countries made this joint statement expressing deep concern about the severe humanitarian and human rights crisis in Nagorno-Karabakh which led to the displacement of nearly the entire ethnic Armenian population of Nagorno-Karabakh, with more than 100,000 people fleeing to Armenia.

The joint statement was read by Ambassador Christine Toudic, Deputy Permanent Representative of France at the Permanent Mission of France to the UN office in Geneva.

We are extremely concerned by the dire humanitarian and human rights crisis in Nagorno-Karabakh and the situation of the population who have fled from there in the past weeks.

According to the report of the UN Mission to the region, nearly the entire ethnic Armenian population of Nagorno-Karabakh has fled to Armenia – more than 100,000 people. Their report rightly notes the suffering this experience must have caused.

This massive displacement of ethnic Armenians from their homes stems from Azerbaijan’s military operation launched on September 19th and a nine-month long blockage of the Lachin corridor leading to dire humanitarian conditions.

We appreciate that High Commissioner Turk’s statement of September 26 urged safeguarding the rights of ethnic Armenians, protection of civilians, and observance of international law. We wholly agree that “reported violations of human rights or international humanitarian law require follow-up, including prompt, independent and transparent investigations.”

We believe the appropriate next step is for the OHCHR to closely monitor the situation of human rights in Nagorno-Karabakh, meet refugees and displaced persons and those who remain, and to keep this Council informed. We therefore urge Armenia and Azerbaijan to invite the OHCHR to provide them with such technical assistance as soon as possible.

At this time, we urge Azerbaijan to ensure the rights and security of those Nagorno-Karabakh Armenians who remain and to promptly create conditions for the voluntary, safe, dignified and sustainable return of those who wish to go home. Their

⁹¹ <https://switzerland.mfa.am/en/news/2023/10/11/hrc54-%E2%80%93-joint-statement/12149>

⁹² Later 40, see below. The initial 34 countries were: Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Portugal, Spain, Slovakia, Slovenia, Sweden, Switzerland, United Kingdom, Uruguay and the United States.

cultural and religious heritage should also be guaranteed and protected.

We further urge Azerbaijan to comply with the interim measures issued by the European Court of Human Rights on 22 September and the provisional measures of the ICJ adopted on 7 December 2021, 22 February 2023 and 6 July 2023.

We urge Armenia, with the support of the international community, to continue to provide humanitarian assistance to those displaced by the crisis.

International access to Nagorno-Karabakh is crucial to provide assistance and independent monitoring, including to report on the human rights situation.

Furthermore, the sovereignty and territorial integrity of both Armenia and Azerbaijan should be fully respected. We strongly support dialogue among all parties to secure a comprehensive and lasting peace.

We will continue to follow the situation closely and consider any and all appropriate further steps by the Council.

* * *

List of States that co-sponsored the Joint Statement

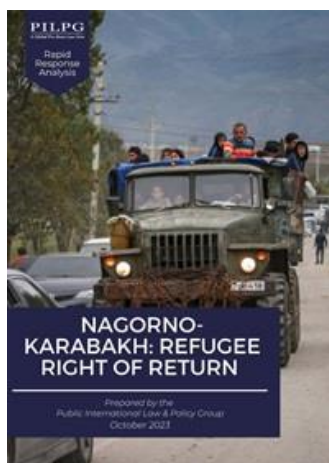
1. Andorra	11. Czech Republic	21. Latvia	31. Poland
2. Argentina	12. Denmark	22. Liechtenstein	32. Portugal
3. Armenia	13. Estonia	23. Lithuania	33. Spain
4. Australia	14. Finland	24. Luxembourg	34. Slovakia
5. Austria	15. France	25. Malta	35. Slovenia
6. Belgium	16. Germany	26. Marshall Islands	36. Sweden
7. Bulgaria	17. Greece	27. North Macedonia	37. Switzerland
8. Canada	18. Iceland	28. Netherlands	38. United Kingdom
9. Croatia	19. Ireland	29. New Zealand	39. Uruguay
10. Cyprus	20. Japan	30. Norway	40. United States of America

PRO ARTSAKH

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Արցախի բարեկամների միջազգային ցանց
International Network of The Friends of Artsakh
Réseau international des amis de l'Artsakh
Red internacional de amigos de Artsaj
Internationales Netzwerk von Freunden von Artsakh
Международной сети друзей Арцаха
شبكة دولية من أصدقاء أرتساخ



**Ethnic Armenians in
Nagorno-Karabakh**
**Report on
Prevention of
Genocide**

Juan E. Méndez



Luis Moreno Ocampo

**Genocide Against
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Expert Opinion

