

**General Assembly
Security Council**Distr.: General
1 March 2005

Original: English

**General Assembly
Fifty-ninth session**

Agenda item 163

The situation in the occupied territories of Azerbaijan**Security Council
Sixtieth year****Letter dated 28 February 2005 from the Permanent
Representative of Azerbaijan to the United Nations addressed
to the Secretary-General**

The Republic of Armenia continues to conduct an active settlement policy in the occupied territories of the Republic of Azerbaijan aimed at the consolidation of the status quo in the occupied territories and the prevention of the expelled Azerbaijani population from returning to their lands of origin. This policy falls within the serious violation of the laws and customs of war and, in particular, constitutes a grave breach of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. In general, according to the laws and customs of war, being only a temporary administrator of occupied territory, the occupying Power must not interfere with its original economic and social structures, organization, legal system or demography,¹ acquire ownership of immovable public property in the occupied territory, including natural resources.

Likewise, the policy of settlement runs contrary to the process of peaceful settlement of the conflict, harms the negotiations, pre-empts their outcome and attempts, compelling Azerbaijan to be reconciled to a *fait accompli* situation. The facts obtained from various sources confirm that this policy in the occupied territories of Azerbaijan is purposefully carried out in an organized and planned manner by the Government of Armenia with the active assistance of the Armenian diaspora.

Notwithstanding the efforts of the Government of Armenia to conceal its direct involvement in the transfer projects, the high-level working group on the implementation of a large-scale settlement transfer programme called "Return to Artsax" with the participation of Benik Bakhshiyev, Counsellor, Gagik Eganyan, Head of Department of Migration and Refugees of the Republic of Armenia and other senior officials, as well as Yerkir, a non-governmental organization headed by Andranik Margaryan, Prime Minister of Armenia. In an interview on 18 December

¹ Statement by the representative of the International Committee of the Red Cross to the Conference of High Contracting Parties to the Fourth Geneva Convention, 5 December 2001.

2003 Prime Minister Margaryan confirmed that “Armenia and NKR are within the common economic space” and that their “main purpose is the settlement of NKR and development of its investment field by means of creating the favourable regime for economic subjects.”²

The organizations Armenian Education Fund of Western America, Hayastan Fund, Yerkir Union and Armenian Eparchy Council of Tehran are major sponsors of the illegal transfer operations and construction carried out in the occupied territories. With the assistance of Yerkir, by spring 2004, 35 families had already established residence. In 2004 Yerkir planned to implement programmes worth US\$ 500,000 and to resettle about 80 families in the occupied territories.³ In 2004 for the implementation of the “Return to Artsax” programme \$400,000 had been allocated from international funds and 90 buildings had been constructed in the occupied territories of Azerbaijan.⁴

The misappropriation of natural resources and cultural monuments is directly related to the settlement policy. There are two large gold fields in the occupied territories of Azerbaijan: Zod mine in Kalbajar and Vejnali mine in Zangilan. In 1993 an agreement worth \$63 million on the exploitation of the Zod mine was signed between the Armenian side and the Canadian company First Dynasty Mines, Ltd. (in 2002 renamed to “Sterlite Gold, Ltd.). The Government of Armenia reports that it is currently working on the issue of enhancing the profitability of the Vejnali mine estimated at 4.5 tons with a view to launching its exploitation. In this regard Armenia plans to involve United States and Canadian companies.

Armenia has involved a number of foreign firms and companies in its illegal economic activities in the occupied territories. DSA, specializing in processing and producing gems and jewellery, Shoqakn, joint stock company established by Israeli citizen Lev Levayev, and LL Diamond, Dimotech founded by the Belgian firm Rosy Blue, as well as the Shusha branch of the Jewelry Factory of Armenia are on the list. De Beers, a famous company exporting, jointly with the English “Furfano” company, natural diamonds to Armenia, whose monthly export estimated at 8,000-20,000 carats of minerals, Lori owned by Ayk Arslanyan, a Belgian citizen, Arevakn owned by Robi Pasha, an Israeli citizen, Aqavni and Andranik joint stock companies of limited liability, as well as Gaqazard joint stock company and many others are operating in Nagorny Karabakh and other occupied territories of Azerbaijan.

Armenia attaches the utmost importance to the misappropriation of the monuments of the ancient Caucasian Albania in the occupied territories. The Armenian side has already attempted to present the Albanian religious monuments of Khotavank Monastery (sixth to twelfth century) in Kalbajar, more than 10 temples (fifth to eleventh century) in Lachin and the church located in Kangarli village of Aghdam district as Armenian monuments. Ancient Albanian scripts, ornaments carved on walls and crosses related to the above-mentioned monuments have been destroyed and replaced by Armenian attributes. A number of mosques are being used as storehouses.

² www.gov.am/ruversion/premier_2/print.html?r=299&ru= and http://www.menq.am/pls/dbms/mnp.show_npitem?pnp=128&pfile=359977&pnew=y&plgg=3.

³ <http://a1plus.am/eng/?go=print&id=15280>.

⁴ www.kavkaz.memo.ru.

The change of Azerbaijani toponymy into Armenian has been employed widely. The names of Azerbaijan's Kalbajar, Lachin, Gubadli and Zangilan districts, by being changed to Karvajar, Kashatagh, Kashunik and Kovsakan, have accordingly been "Armenianized". In all these actions the ultimate goal is to create the basis for future annexation of those territories.⁵

The occupied territories have become a particular source of crime untouched by international monitoring. The separatist regime has created an enabling environment for illegal drug cultivation, production and realization. These facts were duly reflected in the report of the United States Department of State on international control strategy on drugs (March 2000). Drug smugglers are under the protection of the so-called "authorities" and financial benefits derived from drug realization are earmarked for keeping the occupied territories under "control" and paying for hired labour.⁶ Hemp cultivation in the occupied territories of Azerbaijan has also been referred to in the relevant report of the Parliamentary Assembly of the Council of Europe.⁷

Any statements that these are Armenian refugees from Azerbaijan or those affected by the earthquake in Spitak, Armenia, in 1988 who are being settled in the occupied territories of Azerbaijan can in no way justify the settlement policy. It is hard to believe that Armenian refugees voluntarily decided to move to the areas devastated as a result of combat action. Nor is it convincing that people leave the area ruined by an earthquake in order to settle in a region destroyed by war.

Azerbaijan has gathered many facts with regard to the above-mentioned activities carried out by Armenia in the occupied territories, a number of which have been reported to the United Nations (see A/59/568 and A/59/689-S/2005/64). Nonetheless, we continue to work in this direction, and have collected more information on the illegal settlement in the occupied territories.

As follow-up I have the honour to transmit herewith a compact disk containing video film⁸ witnessing the Government-supported transfer of Armenians from Yerevan to the occupied Lachin region of Azerbaijan (produced by Abkhaz and Georgian journalists) and satellite images⁹ of the occupied territories of Azerbaijan. The hard copy of the images¹⁰ and their comments are also attached to this letter.

This information was presented to the OSCE Minsk Group Fact-Finding Mission to the occupied territories of Azerbaijan before it was dispatched.

I should be grateful if the present letter and the comments annexed to the letter were urgently distributed as a document of the General Assembly under agenda item 163 and of the Security Council.

(Signed) Yashar **Aliyev**
Ambassador
Permanent Representative

⁵ www.artsakhworld.com.

⁶ www.state.gov/g/inl/rls/nrcrpt/2000/892.htm.

⁷ www.assembly.coe.int/default.asp.

⁸ May be viewed at www.un.int/azerbaijan/movie.avi.

⁹ See annexes I and II.

¹⁰ The original coloured images may be consulted in room S-3520 of the Secretariat.