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Special Rapporteur on the right to adequate housing

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**Re: Call for input - Resettlement as a human rights issue**

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1. **Introduction**

Rerooted is an organization committed to preserving and sharing the stories of multiply-displaced Armenian communities and advocating for justice for them in the various ways they define it.[[1]](#footnote-0) The Rerooted archive contains over 250 testimonials of displaced Syrian-Armenians in 10 resettlement countries, as well as testimonies of Armenians from Argentina, Azerbaijan, and most recently, Nagorno-Karabakh.

Rerooted welcomes the call for input of the Special Rapporteur on the right to adequate housing regarding “Resettlement as a human rights issue.” Rerooted is pleased to submit this report, responding generally to the call as well as providing answers to questions eleven (groups particularly at risk of resettlement) and fifteen (recent experience with resettlement), in the context of the resettlement of ethnic Armenians forced to evacuate Nagorno-Karabakh (Artsakh) due to Azerbaijan’s ongoing ethnic cleansing of the region.

1. **Factual Background: Azerbaijan’s Ongoing Ethnic Cleansing of Artsakh Armenians; Resettlement Efforts in Armenia**
2. Azerbaijan’s Military Attacks and Other Actions Prejudicing the Rights of Armenians

The November 9, 2020 ceasefire agreement signed by Armenian Prime Minister Nikol Pashinyan, President of Azerbaijan Ilham Aliyev, and the President of Russia Vladimir Putin ended the 2020 Nagorno-Karabakh war.[[2]](#footnote-1) The agreement provided that the 5km wide “Lachin Corridor” would provide a connection between Nagorno-Karabakh and Armenia, and that Azerbaijan would guarantee the “security of persons, vehicles, and cargo, moving in both directions.”[[3]](#footnote-2)

On December 12, 2022, the Lachin corridor was blockaded by “Azerbaijani eco-activists,” followed by a swift installment of a checkpoint by the Azerbaijani authorities; effectively cutting the citizens of Stepanakert and the surrounding villages off from the outside world and causing mass shortages of food, fuel, and medicine.[[4]](#footnote-3) Despite the swift issuance of interim measures against Azerbaijan on December 21, 2022 by the European Court of Human Rights (“ECtHR”) calling for the re-opening of the Lachin Corridor,[[5]](#footnote-4) as well as the February 22, 2023 order by the United Nations’ highest court, the International Court of Justice’s (“ICJ”) demanding the Lachin corridor be re-opened,[[6]](#footnote-5) Azerbaijan continued the starvation of the approximately 120,000 people living in Stepanakert and the surrounding villages.

After almost a year of starving the civilians living in Nagorno-Karabakh, Azerbaijan launched a military offensive against the Artsakh (Nagorno-Karabakh) Defense Army on September 19, 2023.[[7]](#footnote-6) The following day, a Russian-backed ceasefire agreement was signed where the Republic of Artsakh agreed to disarm and enter into talks with the government of Azerbaijan regarding re-integration.[[8]](#footnote-7)

1. State-Driven Anti-Armenian Racial Hatred in Azerbaijan

Given the context of Azerbaijani society’s deeply ingrained racial hatred towards Armenians, there is no possibility of “resettlement” within Azerbaijan for the Armenians forcibly displaced from Artsakh. The Committee on the Elimination of Racial Discrimination noted its deep concern about the “[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials.”[[9]](#footnote-8) An Azerbaijani scholar living outside Azerbaijan summarized: “The hatred toward Armenians is…constructed, routinized, and encouraged by the country’s elites.”[[10]](#footnote-9)

For example, in reference to Azerbaijan’s 2020 military attack on Artsakh, Azerbaijan’s President Aliyev stated, “[w]e have not only liberated our lands, we have cleansed the region, the South Caucasus, of these savage forces,”[[11]](#footnote-10) referring to Artsakh Armenians. Azerbaijani children are indoctrinated with this association between Armenians and “savagery” from a young age: the Azerbaijani fifth grade history textbook describes Armenians as the “enemy” 187 times in its 391 pages.[[12]](#footnote-11)

 In 2004, an Azerbaijani soldier beheaded an Armenian soldier while the latter was sleeping in a hotel in Hungary, resulting in a high-profile case before the European Court of Human Rights.[[13]](#footnote-12) When the Azerbaijani soldier returned to Baku, he was hailed as a hero: the Azerbaijani government promoted him, gave him a flat, and provided salary arrears for the time he spent in Hungarian prison.[[14]](#footnote-13)

The incitement of racial hatred by the Azerbaijani state has concrete impacts on Azerbaijani citizens’ attitudes towards Armenians. For example, following the explosion of a fuel depot in Stepanakert on September 25, 2023, at least 68 Armenians died and hundreds were hospitalized.[[15]](#footnote-14) In response, Azerbaijanis commented on an Azerbaijani state video about the explosion with posts such as, “May God help you die fast,” and “The smell of kebob has reached Baku.”[[16]](#footnote-15) There have also been reports of Azerbaijanis posting images of Armenian women and children promising rewards for their mutilation.[[17]](#footnote-16)

The Azerbaijani policy of inciting hatred towards Armenians also manifests in the destruction and erasure of Armenian cultural heritage in the territories that Azerbaijan controls. Between 1997 and 2011, Azerbaijan destroyed 98% of Armenian cultural heritage sites in the Nakhchivan Autonomous Republic of Azerbaijan.[[18]](#footnote-17) This state policy of cultural destruction continues with the Armenian cultural sites in the regions of Artsakh under Azerbaijani control since 2020,[[19]](#footnote-18) and will almost certainly continue in the whole Artsakh region if there is no international interference.

C. Current Resettlement Efforts in Armenia for Armenians Displaced from Artsakh

As of September 29, 2023, Armenian officials claim that more than 84,770 refugees, over 70% of the population, have been displaced from Nagorno-Karabakh amidst fears of living under Azerbaijani rule.[[20]](#footnote-19) The Armenian government has set up two main centers in the cities of Goris and Vayk (located in the Syunik region which borders Nagorno-Karabakh), to register and assess the needs of those fleeing Nagorno-Karabakh. Armenia has set up two main centers in the cities of Goris and Vayk to register and assess the needs of those fleeing Nagorno-Karabakh.[[21]](#footnote-20)

D. Previous Displacement of Artsakh Armenians

Significant displacement also occurred after Azerbaijan’s September 2020 military attack on Artsakh. According to the International Organization for Migration, by December 2020, approximately 90,640 individuals displaced from Artsakh arrived in the Republic of Armenia.[[22]](#footnote-21) At the end of 2021, there were at least 26,725 individuals displaced from Artsakh still in Armenia.[[23]](#footnote-22)

A number of those initially displaced returned to Artsakh, sometimes resettling in regions other than their home regions because significant territory was taken by Azerbaijan following the 2020 ceasefire announcement;[[24]](#footnote-23) for example, the IOM reported that of the nearly 100,000 displaced persons from Artsakh in December 2020, 3% were from Shahumyan, 9% from Kashatagh, and 5% from Shushi.[[25]](#footnote-24) Significant portions of these regions were taken by Azerbaijan following its 2020 attack.[[26]](#footnote-25)

Others have also found refuge in Artsakh. A number of Syrian Armenians fleeing the Syrian civil war resettled in Artsakh.[[27]](#footnote-26) Similarly, two Lebanese Armenian sisters resettled in Shushi after the 2020 Beirut blast; one of the women, Maral Najarian, was held captive by Azerbaijan for four months following the 2020 ceasefire announcement.[[28]](#footnote-27)

1. **Legal Framework: Existing International Legal Standards and the Need for Comprehensive International Guiding Principles Regarding Resettlement**

Azerbaijan has violated, and continues to violate various international legal standards in its violent displacement of Artsakh Armenians. This section will present a non-exhaustive analysis of these violations, to emphasize the need for the international guiding principles regarding resettlement to both reaffirm existing relevant legal standards, and further develop those existing principles which are insufficient to address complex situations such as the resettlement of displaced Artsakh communities.

The shelling of civilians and civilian infrastructure during Azerbaijan's 2020 and 2023 attacks[[29]](#footnote-28) violated one of the “cardinal principles” of international humanitarian law.[[30]](#footnote-29) These attacks severely prejudice displaced individuals’ right to voluntarily return and repossess their homes.

Resettlement as a human right must also be reconciled with situations in which the forced displacement was due precisely to an attempt to remove an ethnic group. Azerbaijan’s systematic killing of Artsakh Armenians since September 2020,[[31]](#footnote-30) and infliction of a blockade since December 2022, were calculated to bring the physical destruction of Artsakh Armenians, thus rising to the level of genocide as defined the in the Genocide Convention.[[32]](#footnote-31) Where, as here, displacement is a result of an act of genocide, a human rights compliant resettlement plan produced by the genocidal state is a legal impossibility. In fact, a “resettlement plan” put in place by the state committing genocide in itself must constitute a genocidal act and the crime against humanity of deportation.[[33]](#footnote-32) Accordingly, Azerbaijan had no “resettlement plan” other than the mass expulsion of Artsakh Armenians from their homeland.

The displacement of Artsakh Armenians also happens in the context of mass violations of international human rights law. Severe violations have taken place, for example, of the guarantees contained in the Convention of the Elimination of All Forms of Racial Discrimination (“CERD”). The Committee on the Elimination of Racial Discrimination in 2022 noted its deep concern about Azerbaijan’s “[i]ncitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials,” as well as its “extrajudicial killings, torture and other ill-treatment” of Armenians, in violation of CERD Articles 2, 5, and 6.[[34]](#footnote-33)

Significantly, CERD also protects against racial discrimination in the right to housing.[[35]](#footnote-34) Forced evictions based on ethnic identity that are attributable to state parties in the context of armed conflict can constitute a violation of that protection.[[36]](#footnote-35) Further, individuals so displaced “must not be left in or exposed to a situation constituting a violation of other…human rights.”[[37]](#footnote-36) Azerbaijan’s ethnic cleansing of Armenians from Artsakh thus doubly violates these standards. As with genocide and crimes against humanity, where resettlement occurs after racism-driven forcible displacement, any resettlement plan will inherently be noncompliant with international human rights law.

Severe violations also took place of Artsakh Armenians’ economic, social, and cultural rights. Those who resettled in Artsakh after Azerbaijan’s 2020 military attack were soon faced with severe deprivations of food, healthcare, and education as a result of Azerbaijan’s 9-month blockade of the region.[[38]](#footnote-37) The tens of thousands of Armenians who have since been forcibly displaced from Artsakh to Armenia due to Azerbaijan’s ongoing ethnic cleansing, again face severe shortages of essential goods.[[39]](#footnote-38)

Finally, United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons are another framework relevant to this situation. In particular, principle 2.1 provides for the right to restitution or compensation, as determined by an independent, impartial tribunal. Principles 5.3 and 9.1 prohibit the expropriation of land as a means of war and the forcible removal of people from their homes, respectively. Azerbaijan’s actions have flouted each of these principles.

Azerbaijan’s disregard for even the most basic standards of international law would appear to throw the very purpose of international guiding principles regarding resettlement under these circumstances into question. But abdicating the project of strengthening international frameworks meant to ensure human dignity will only embolden genocidal regimes such as Azerbaijan. Rerooted thanks the Special Rapporteur for considering this report, and offers the following recommendations.

1. **Recommendations**
2. Recognizing that displacement often occurs as a result–as in the present case–of racial discrimination, genocide, and other violations of peremptory norms of general international law, **Rerooted urges the Special Rapporteur to ensure international guiding principles regarding resettlement place greater responsibility on the international community to cooperate and provide aid under these circumstances.**
	1. Where displacement is the result of a state’s policy or practice of racial discrimination, genocide, and other violations of peremptory norms of general international law, the probability of a resettlement plan promulgated by that State which is consistent with human rights is vanishingly small. Indeed, where a “resettlement plan” has been put in place under these circumstances, there is a high likelihood that the resettlement plan itself constitutes a genocidal act and a crime against humanity.
3. Rerooted welcomes the Special Rapporteur’s position that resettlement should not be equated with a narrow use of the term limited by a formal definition of refugee. **International guiding principles regarding resettlement should take into account the rights of displaced persons–as in the present case–whose legal status may be ambiguous.**
4. Further, Rerooted emphasizes that individuals and communities who have previously been displaced and resettled face a greater risk of facing negative resettlement outcomes upon subsequent displacement. **Rerooted recommends that international guiding principles regarding resettlement place greater responsibility on the international community to provide aid and support in the context of multiply displaced communities.**
5. Rerooted stresses that individuals displaced as a result of racial discrimination, genocide, and other violations of peremptory norms of general international law–as in the present case–are unlikely to have access to mechanisms for restitution, compensation, or procedures for voluntary return. In this sense, **Rerooted urges the Special Rapporteur to recommend the establishment of international mechanisms for redress as a core component of dignified resettlement**.
1. Rerooted Archive, https://www.rerooted.org/. [↑](#footnote-ref-0)
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3. *Id*. ¶ 6. [↑](#footnote-ref-2)
4. Caolan Magee, ‘we are starving to death:’ residents of Nagorno-Karabakh Fear for future under blockade, CNN (September 7, 2023), https://www.cnn.com/2023/09/06/europe/nagorno-karabakh-blockade-azerbaijan-armenia-intl-cmd/index.html. [↑](#footnote-ref-3)
5. European Court of Human Rights, European Court decides to indicate interim measures in the “Lachin Corridor” (Dec. 21, 2021). [↑](#footnote-ref-4)
6. Mike Corder, Un court calls for end to Nagorno-Karabakh Roadblock, AP News (Feb. 22, 2023), https://apnews.com/article/politics-united-nations-international-court-of-justice-armenia-azerbaijan-43f8071d0877147203b44a8692a0df5c. [↑](#footnote-ref-5)
7. Gabriel Gavin, Azerbaijan launches attack in Nagorno-Karabakh, announces ‘evacuation’ of Armenian population, POLITICO (Sept 20, 2023), https://www.politico.eu/article/azerbaijan-launch-anti-terror-operation-nagorno-karabakh-armenia/. [↑](#footnote-ref-6)
8. Paul Kirby, Azerbaijan halts Karabakh offensive after ceasefire deal with Armenian separatists, BBC News (September 21, 2023), https://www.bbc.com/news/world-europe-66863702 [↑](#footnote-ref-7)
9. CERD, Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan, CERD/C/AZE/CO/10-12 (Sept. 22, 2022). [↑](#footnote-ref-8)
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12. Yasemin Kilit Aklar, Nation and History in Azerbaijani School Textbooks, Ab Imperio 2/2005, pp. 469-97. [↑](#footnote-ref-11)
13. Case of Makuchyan and Minasyan v. Azerbaijan and Hungary, App. No. 17247/13, Judgment (26 May 2020). [↑](#footnote-ref-12)
14. *Id*. ¶ 21. [↑](#footnote-ref-13)
15. VOA, *Explosion Kills Scores in Nagorno-Karabakh* (Sept. 27, 2023), https://www.voanews.com/a/at-least-20-dead-in-gas-station-explosion-in-nagorno-karabakh/7284258.html. [↑](#footnote-ref-14)
16. Lindsey Snell (@LindseySnell), X (Sept. 25, 2023), https://twitter.com/LindseySnell/status/1706369445826793895. [↑](#footnote-ref-15)
17. Center for Law and Justice, Objective evidence of deep hatred towards Armenians, that has been sponsored by the Azerbaijani authorities for years (Sept. 25, 2023), <https://tatoyanfoundation.org/objective-evidence-of-deep-hatred-towards-armenians-that-has-been-sponsored-by-the-azerbaijani-authorities-for-years/?lang=en>; Center for Law and Justice, Yet another objective evidence of Armenophobic policies in Azerbaijan (Sept. 25, 2023), <https://tatoyanfoundation.org/yet-another-objective-evidence-of-armenophobic-policies-in-azerbaijan/?lang=en>. [↑](#footnote-ref-16)
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19. *Id*. [↑](#footnote-ref-18)
20. Avet Demourian, More than 80% of Nagorno-Karabakh’s Population Flees as Future Uncertain for Those Who Remain, The Washington Post (Sept. 29, 2023), www.washingtonpost.com/world/2023/09/29/nagorno-karabakh-azerbaijan-armenia-separatist-government/9c5015c2-5e9c-11ee-b961-94e18b27be28\_story.html. [↑](#footnote-ref-19)
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22. International Organization for Migration, *Migration Service of Armenia Registered Arrivals of Displaced Population* (Dec. 11, 2020), <https://dtm.iom.int/reports/armenia-%E2%80%94-displacement-report-%E2%80%94-december-2020%E2%80%94-round-3>; *see also* UNHCR, Armenia: Persons in a refugee-like situation, <https://www.unhcr.org/am/en/persons-in-refugee-like-situation#:~:text=According%20to%20official%20figures%2C%2091%2C000,in%20and%20around%20Nagorno%20Karabakh>. [↑](#footnote-ref-21)
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24. See Statement by President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation (10 November 2020), http://en.kremlin.ru/events/president/news/64384. [↑](#footnote-ref-23)
25. *Supra*, IOM. [↑](#footnote-ref-24)
26. *Supra*, Statement; *see also* Karabakh on the map: What Azerbaijan gains after war (Nov. 12, 2020), https://eng.kavkaz-uzel.eu/articles/52755; Aren Melikyan, et al., *Azerbaijan, Armenia and Russia sign peace deal over Nagorno-Karabakh*, CNN (Nov. 10, 2020), <https://edition.cnn.com/2020/11/09/europe/nagorno-karabakh-shusha-armenia-azerbaijan-russia-intl/index.html>. [↑](#footnote-ref-25)
27. Anna Kamay and Anush Babajanyan, *Karabakh: Syrian Refugees Flee One War Zone for Another*, Eurasianet (Oct. 20, 2017), https://eurasianet.org/karabakh-syrian-refugees-flee-one-war-zone-for-another. [↑](#footnote-ref-26)
28. Uzay Bulut, *Azerbaijan Continues Torture of Armenian Hostages*, Providence (Mar. 29, 2023), https://providencemag.com/2023/03/20491/. [↑](#footnote-ref-27)
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30. *See* Threat or Use of Nuclear Weapons, Advisory Opinion, 1996 I.C.J. Rep. 26 (July 8), para. 78. [↑](#footnote-ref-29)
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34. CERD, Concluding observations on the combined tenth to twelfth periodic reports of Azerbaijan, CERD/C/AZE/CO/10-12 (Sept. 22, 2022). [↑](#footnote-ref-33)
35. Convention on the Elimination of All Forms of Racial Discrimination, Article 5(e)(iii). [↑](#footnote-ref-34)
36. Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), U.N. Doc. E/1998/22, annex IV at 113 (1998), para. 5; *see also* Committee on the Elimination of Racial Discrimination, General Recommendation 20, The guarantee of human rights free from racial discrimination (Forty-eighth session, 1996), U.N. Doc. A/51/18, annex VIII at 124 (1996), para. 1 (ICESCR can be considered in relation to economic, social, and cultural rights protected in CERD). [↑](#footnote-ref-35)
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38. *See* UNHCR, UN experts urge Azerbaijan to lift Lachin corridor blockade and end humanitarian crisis in Nagorno-Karabakh (Aug. 7, 2023), https://www.ohchr.org/en/press-releases/2023/08/un-experts-urge-azerbaijan-lift-lachin-corridor-blockade-and-end. [↑](#footnote-ref-37)
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