



Doc. 15796
20 June 2023

Ensuring free and safe access through the Lachin Corridor

Report¹

Committee on Migration, Refugees and Displaced Persons

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Summary

Since 12 December 2022, the Armenian population of Nagorno-Karabakh, in Azerbaijan, has been denied free and safe access through the Lachin corridor, the only road allowing them to reach Armenia and the rest of the world. This has had serious human rights and humanitarian consequences, notably regarding freedom of movement, non-discrimination, access to healthcare and food, the right to family life and to education.

This situation is in contradiction with the Trilateral Statement of 9 November 2020 signed by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, and has been the object of interim measures decided by the European Court of Human Rights and of an Order by the International Court of Justice issued against Azerbaijan, yet to be implemented.

The report examines concrete measures which would ensure a sustainable and peaceful future for the Armenian population of Nagorno-Karabakh, starting with restoring a free and safe access through the Lachin corridor. It calls for constructive dialogue to find a way forward, and in this respect expresses concern at the intolerable and unacceptable language which the authorities in Azerbaijan, including at the highest level, have used in respect of Armenians. The report advocates for a role of the Council of Europe in acting as a broker in restoring trust between two of its member States, Armenia and Azerbaijan.

1. Reference to committee: Bureau decision, Reference 4744 of 19 June 2023.



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A. Draft resolution²

1. The Parliamentary Assembly recalls that for more than 30 years, Armenia and Azerbaijan have been in conflict involving Nagorno-Karabakh, and that both countries committed themselves to settle this dispute through peaceful means upon accession to the Council of Europe in January 2001.
2. The Assembly has dealt with many aspects of the conflict over the years, in particular in [Resolution 1047 \(1994\)](#) and [Recommendation 1251 \(1994\)](#) “Conflict in Nagorno-Karabakh”, in [Resolution 1416 \(2005\)](#) “The conflict over the Nagorno-Karabakh region dealt with by the OSCE Minsk Conference” and in [Resolution 2391 \(2021\)](#) and [Recommendation 2209 \(2021\)](#) “Humanitarian consequences of the conflict between Armenia and Azerbaijan / Nagorno-Karabakh conflict”. It notes that Azerbaijan regained control of parts of its territory after a 44-day war, which ended with a ceasefire agreement signed on 9 November 2020 by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, referred to as the Trilateral Statement.
3. The Assembly welcomes the mutual recognition of the territorial integrity of Armenia and Azerbaijan and sees this as the first steps towards the end of a conflict which has already caused too many deaths and tragedies on both sides.
4. Following the 2020 war, which has allowed Azerbaijan to reclaim part of its territory by force, the Assembly is very concerned that that country’s leadership has not made any effort to reassure the Armenian population living on this territory that they are welcome to stay and continue living their lives there. On the contrary, the Assembly is extremely worried by events which have unfolded since the signature of the Trilateral Statement, and which culminated on 12 December 2022 with the interruption of the free and safe passage through the Lachin corridor and the subsequent deliberate cutting of electricity and gas supplies to the region.
5. While fully recognising Azerbaijan’s concern to ensure security within its territory and at its borders, the Assembly is struck by the fact that its leadership does not acknowledge the very serious humanitarian and human rights consequences stemming from the present situation.
6. The Assembly is well-aware that this is a situation with two totally opposed narratives. For this reason, and because it believes in the benefits of dialogue, it deeply deplores that the Rapporteur was not invited to Azerbaijan during his fact-finding visit, and was thus unable to travel to the Lachin corridor to see the situation on the ground and discuss further with the authorities of Azerbaijan.
7. The Assembly underlines that Azerbaijan has the responsibility to protect and ensure the security of everyone living within its internationally recognised borders and thus within its jurisdiction, pursuant to Article 1 of the European Convention on Human Rights (ETS No. 5), and believes that drawing international attention to the situation at the Lachin corridor and its human rights and humanitarian consequences is necessary in recalling this responsibility.
8. Recognising that the absence of free and safe access through the Lachin corridor is part of a much broader issue, the Assembly is convinced that a humanitarian response alone is not sufficient and that a political solution is needed. Welcoming the negotiations underway between Armenia and Azerbaijan under the auspices notably of the European Union and the United States of America, the Assembly stresses that the current situation is not sustainable and may well lead to the Armenian population being forced to leave their homes and communities if there is no resolution to the conflict. In this context, it urgently calls for addressing the issues of the rights and security of the Armenian population of Nagorno-Karabakh through dialogue between Baku and Khakendi/Stepanakert and a neutral international involvement in any peace implementation mechanism to be put in place.
9. Noting the interim measures decided by the European Court of Human Rights on 21 December 2022 under Rule 39 of the Rules of the Court calling on the Government of Azerbaijan “to take all measures that are within their jurisdiction to ensure safe passage through the Lachin Corridor of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence”, the Assembly calls on Azerbaijan to implement this decision with no further delay.
10. Noting that the International Court of Justice [ordered](#) Azerbaijan to urgently “take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”, the Assembly calls on Azerbaijan to also comply with this order urgently.

2. Draft resolution adopted by the committee on 19 June 2023.

11. While noting that the mirror applications brought by Azerbaijan against Armenia were rejected by both international courts, the Assembly believes that Armenia must also play a role in de-escalating the tensions, and that it should be open to some form of international monitoring with the aim of assessing the veracity of Azerbaijan's allegations regarding the illegal weapons being brought into Nagorno-Karabakh.

12. The Assembly calls on Azerbaijan to invite a Council of Europe delegation to visit the Lachin corridor and Nagorno-Karabakh for a fact-finding mission, to assess the situation on the ground. It also calls on Azerbaijan to let other international organisations access the region, including United Nations agencies, in particular the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

13. The Assembly recognises the crucial role played by the International Committee of the Red Cross (ICRC) in transporting patients through the Lachin corridor, reuniting separated families and transporting medicines, medical equipment, seeds and food to the inhabitants of Nagorno-Karabakh, as far as it was able. It recognises, as a key point, that such interventions should not be required, and that the fact that they are is a clear evidence that there is no free and safe access through the Lachin corridor.

14. In the full recognition of Armenia's and Azerbaijan's territorial integrity, the Assembly calls Azerbaijan for a genuinely constructive and peaceful approach towards its neighbour Armenia and the Armenians living in Nagorno-Karabakh. It strongly encourages Azerbaijan to invest all efforts for a free and safe movement both ways along the Lachin corridor. In the meantime, it urges Azerbaijan to restore electricity and gas supplies without delay or impediment, and to agree with Armenians a new route for gas supplies and the electricity grid through Armenian and not Azerbaijani territory.

15. The Assembly is extremely worried by the hostile and threatening rhetoric used against Armenians at the highest level of Azerbaijan's leadership and urges Azerbaijan to repudiate such rhetoric and take steps to tackle both hate speech, including by public and high-level officials, and hate crimes. To this end, Azerbaijan is encouraged to introduce and implement appropriate legislation with the assistance of the Council of Europe. The Assembly is also aware of hate speech being used by individuals in Armenia and likewise urges Armenia's leadership to condemn such hate speech and the authorities to take appropriate measures to punish it.

16. Without anticipating the outcome of the peace negotiations, the Assembly believes that, regardless of the citizenship issue, which should in any case not be detrimental to the Armenians of Nagorno-Karabakh, innovative solutions could be found to protect the rights of the Armenians in Nagorno-Karabakh, within the toolbox provided by the Council of Europe, which includes standards, instruments and programmes. The Assembly therefore calls on Armenia and Azerbaijan to take full advantage of the existing standards, instruments and programmes related to the enjoyment of minority rights, language and education, cultural heritage, decentralisation and local self-government options.

17. The consequences of the absence of free and safe access through the Lachin corridor have shown that confidence-building measures would certainly be useful in addressing certain situations. The Assembly therefore recommends Armenia and Azerbaijan to engage in confidence building measures under the auspices of the Council of Europe, notably with the involvement of medical doctors, journalists, youth and civil society. It also invites the Commissioner for Human Rights of the Council of Europe to offer her good services to establish and foster dialogue and co-operation between the Human Rights Defender of Armenia and the Commissioner for Human Rights of Azerbaijan.

18. As there is no one better placed, the Assembly invites both Armenian and Azerbaijani parliamentary delegations to discuss the possible steps towards the establishment of a conducive and fruitful dialogue based on topics of mutual interest, with a view to decreasing tensions and building sincere co-operation, which would help to dispel fears and mistrust.

B. Draft recommendation³

1. Referring to Resolution ... (2023) “Ensuring free and safe access through the Lachin Corridor” and recognising the Committee of Ministers’ role as the guarantor of the protection of human rights within the member States of the Council of Europe, the Parliamentary Assembly draws the Committee of Ministers’ attention to the humanitarian and human rights crisis affecting the Armenians living in Nagorno-Karabakh, following Azerbaijan’s unilateral actions at the Lachin corridor in contradiction with the ceasefire agreement signed on 9 November 2020 by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, referred to as the Trilateral Statement.
2. Regretting that the Assembly Rapporteur was not invited to Azerbaijan and was thus unable to gather first-hand information on the spot, the Assembly requests that a Council of Europe fact-finding mission be organised to Azerbaijan as early as possible, with the aim of assessing the situation where Armenians live and have been affected by the absence of a free and safe access through the Lachin corridor since 12 December 2022.
3. Acknowledging the feeling of insecurity and threat experienced by the Armenian population living in Nagorno-Karabakh, the Assembly believes that the Council of Europe may play an important role in fostering trust and dialogue between its two member States, notably through confidence-building measures. It therefore encourages the Committee of Ministers to develop new activities within the existing action plans or through a *sui generis* co-operation instrument, which would aim, *inter alia*, to tackle hate speech, in particular unacceptable language and rhetoric employed by members of the Government of Azerbaijan in relation to members of the Armenian population, and to contribute to building a climate of tolerance and mutual respect.

3. Draft recommendation adopted by the committee on 19 June 2023.

C. Explanatory memorandum by Mr Paul Gavan, Rapporteur

1. Introduction

1. Following a current affairs debate on: “Addressing the humanitarian consequences of the blockade of the Lachin corridor” held by the Parliamentary Assembly on 26 January 2023, the Bureau decided on 27 January 2023 to seize the Committee on Migration, Refugees and Displaced Persons for a report on the same topic. The committee appointed me as rapporteur on 15 March 2023 and authorised me on 27 April 2023 to carry out a fact-finding mission to Armenia and Azerbaijan.
2. During its meeting of 11 May, following my request, the committee agreed to change the title of the report as “Ensuring free and safe access through the Lachin Corridor” and decided to ask the Bureau of the Assembly to hold an urgent debate on this issue during the June 2023 part-session.
3. On 31 March 2023, a request for a mission to both Armenia and Azerbaijan was sent to the respective heads of delegations. As my intention was from the outset to hear and witness all viewpoints in order to produce a fair, accurate and honest report, and to report quickly given the tense situation, it was important that I could travel to both countries and in particular get first-hand information on the freedom and safety to access and to move along the Lachin corridor. I visited Armenia from 30 May to 2 June 2023. I was unable to go to Azerbaijan and hold discussions with interlocutors there because I did not receive an invitation to travel to that country. The furthest I could go near the Lachin corridor was on the Armenian side, just above the new road which was built from Kornidzor, from where I was able to see the check-point erected by Azerbaijan on 23 April 2023.
4. The situation has escalated very recently and the International Committee of the Red Cross (ICRC) had to suspend medical transfers to Armenia through the Lachin corridor because of increased tensions at the border reported by Armenia.

2. General context

5. After a war which took thousands of lives and caused many tragic human situations, not least the displacement of thousands of persons in Armenia and Azerbaijan between 1991 and 1993, both countries – when they applied to join the Council of Europe – committed themselves to settle the issue of Nagorno-Karabakh through peaceful means.⁴
6. In 2020, a new outbreak of war was ended by a ceasefire agreement signed on 9 November 2020 by President of the Republic of Azerbaijan Ilham Aliyev, Prime Minister of the Republic of Armenia Nikol Pashinyan and President of the Russian Federation Vladimir Putin, referred to as the Trilateral Statement.⁵
7. Following the 2020 war, and pursuant to the terms of the Trilateral Statement, the Kalbajar and the Lachin districts, which had been under Armenian control since 1993, were returned to Azerbaijan. The return of these districts necessitated the clear establishment of the exact delimitation of the border between Armenia and Azerbaijan. It also resulted in the region of Nagorno-Karabakh no longer having direct contact with an area under the control of the Armenian military, requiring specific provisions on access through the Lachin corridor. This was the object of specific provisions in section 6 of the Trilateral Statement:

“The Republic of Armenia shall return the Kalbajar district to the Republic of Azerbaijan by November 15, 2020, and the Lachin District by December 1, 2020. The Lachin Corridor (5 km wide), which will provide a connection between Nagorno-Karabakh and Armenia while not passing through the territory of Shusha, shall remain under the control of the Russian Federation peacemaking forces.

As agreed by the Parties, within the next three years, a plan will be outlined for the construction of a new route via the Lachin Corridor, to provide a connection between Nagorno-Karabakh and Armenia, and the Russian peacemaking forces shall be subsequently relocated to protect the route.

The Republic of Azerbaijan shall guarantee the security of persons, vehicles and cargo moving along the Lachin Corridor in both directions.”

4. [Opinion 221 \(coe.int\)](#) and [Opinion 222 \(coe.int\)](#).

5. [Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation – Press releases – Updates – The Prime Minister of the Republic of Armenia and Statement by the President of the Republic of Azerbaijan, Prime Minister of the Republic of Armenia and President of the Russian Federation» Official web-site of President of Azerbaijan Republic.](#)

8. On 12 December 2022, passage through the only road still linking Nagorno-Karabakh and Armenia after the 2020 44-day war – the Lachin corridor – was impeded by certain persons, presented by themselves and the Azerbaijani authorities as “eco-activists”.⁶ To this day, the fact that the flow of goods and persons, as well as energy supplies between Armenia and Nagorno-Karabakh, is interrupted, is disputed by Azerbaijan.

9. On 21 December 2022, the European Court of Human Rights decided to indicate interim measures in respect of the Lachin Corridor. Noting that the extent to which Azerbaijan was “currently in control of the situation in the “Lachin Corridor” was disputed and unclear at this stage, noting in addition the obligation of Azerbaijan under Article 6 of the Trilateral Statement mentioned above, the Court decided “to indicate to the Government of Azerbaijan [...] to take all measures that are within their jurisdiction to ensure safe passage through the “Lachin Corridor” of seriously ill persons in need of medical treatment in Armenia and others who were stranded on the road without shelter or means of subsistence”.⁷

10. In an Order of 22 February 2023, the International Court of Justice (ICJ) concluded that Azerbaijan shall, in accordance “with its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin Corridor in both directions”.⁸

11. Both Courts rejected the mirror applications brought by Azerbaijan against Armenia.⁹

12. Following a letter of 13 December 2022 addressed to the President of the Security Council from the Permanent Representative of Armenia to the United Nations, the Security Council held a meeting on 20 December 2022 with the participation of Miroslav Jenča, Assistant Secretary-General for Europe, Central Asia and the Americas, Departments of Political and Peacebuilding Affairs and Peace Operations.¹⁰ The latter stated that “[d]espite a “glimmer of hope” regarding diplomatic efforts by Armenia and Azerbaijan towards a resolution of their ongoing dispute, a current escalation of tension and incidents threatens to derail fragile progress and unleash a dangerous resumption of violence”.¹¹

13. In the Council of Europe, the Chair of the Committee of Ministers called for the reopening of the Lachin corridor in a Declaration of 19 January 2023.¹² In addition to the current affairs debate held during the January 2023 part-session, the Assembly also reacted through three of its committees. On 16 December 2022, the four co-rapporteurs for the monitoring of Azerbaijan and Armenia declared in a joint statement that they were deeply concerned by the interruption of freedom of movement in the Lachin corridor, causing considerable hardship to the population”, adding that “[f]reedom and security of movement of persons and goods must be urgently restored along the corridor” and [calling] on all parties to the Trilateral Statement of 9-10 November 2020 to immediately take the necessary measures”.¹³ They renewed their call for the restoration of freedom of movement along the Lachin corridor in a joint statement dated 26 April 2023.¹⁴ Following a visit to Armenia from 17 to 19 February 2023, the co-rapporteurs of the monitoring in Armenia shared their findings in a declassified information note, which assessed that based on their observations, movement along the corridor was “severely obstructed”. They urged the Azerbaijani authorities to “authorise an independent fact-finding visit and to allow independent journalists to operate freely in the whole area.”¹⁵ The Committee on Legal Affairs and Human Rights issued a statement on the obstruction of the Lachin Corridor on 22 April 2023.¹⁶ I myself, in my capacity as rapporteur for this report, issued a statement on 24 April seeking access to the Lachin corridor to see the situation on the ground at first-hand.¹⁷ Unfortunately, I did not succeed in achieving such access.

6. Nothing in this document can be interpreted as being contrary to the full respect of the sovereignty and territorial integrity of Armenia and Azerbaijan within their internationally recognised borders, the provisions of the 1993 UN Security Council resolutions and the Statement by the President of the Republic of Azerbaijan, the Prime Minister of the Republic of Armenia and the President of the Russian Federation of 9 November 2020.

7. <https://hudoc.echr.coe.int/eng-press?i=003-7528728-10337270>.

8. Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Armenia (icj-cij.org)).

9. <https://icj-cij.org/sites/default/files/case-related/181/181-20230222-ORD-01-00-EN.pdf> and <https://hudoc.echr.coe.int/eng-press?i=003-6838228-9156311>.

10. <https://undocs.org/en/S/PV.9228>.

11. “Despite ‘Glimmer of Hope’ in Armenia, Azerbaijan Conflict, Escalating Tensions Threaten to Derail Fragile Progress, Senior Official Tells Security Council” | UN Press.

12. Result details (coe.int).

13. “PACE monitors urge the restoration of freedom of movement along the Lachin corridor” (coe.int).

14. The Lachin corridor: statement by the PACE monitors for Azerbaijan and Armenia (coe.int).

15. <https://rm.coe.int/the-honouring-of-obligations-and-commitments-by-armenia-information-no/1680aaa677>.

16. Statement by the Committee on Legal Affairs on the obstruction of the Lachin Corridor (coe.int).

17. PACE Rapporteur seeks access to Lachin corridor to see at first hand the situation on the ground (coe.int).

14. In its Resolution of 18 January 2023 on “the implementation of the common foreign and security policy – annual report 2022”, the European Parliament “strongly [denounced] Azerbaijan’s illegal blockade of the Lachin corridor, in violation of the trilateral statement of 9 November 2020, as it threatens to precipitate an intentional humanitarian crisis for the people of Nagorno-Karabakh; [demanded] that the Azerbaijani authorities restore freedom of movement through the Lachin corridor with immediate effect; [recalled] that only diplomatic means will bring a just and lasting response to the conflict that will benefit the populations of Armenia and Azerbaijan”.¹⁸ Furthermore, in its Resolution on “Humanitarian consequences of the blockade in Nagorno-Karabakh” of 19 January 2023, the European Parliament “[deplored] the tragic humanitarian consequences of the blockade of the Lachin corridor and the Nagorno-Karabakh conflict; [urged] Azerbaijan to respect and implement the trilateral statement of 9 November 2020 and immediately reopen the Lachin corridor to enable free movement and ensure access to essential goods and services, thus guaranteeing security in the region and safeguarding residents’ livelihoods; [underlined] the need for a comprehensive peace agreement, which must guarantee the rights and security of Nagorno-Karabakh’s Armenian population; [called] on Azerbaijan to protect the rights of Armenians living in Nagorno-Karabakh and refrain from its inflammatory rhetoric that calls for discrimination against Armenians and urges Armenians to leave Nagorno-Karabakh; [urged] Azerbaijan to refrain from undermining the functioning of transport, energy and communication connections between Armenia and Nagorno-Karabakh in future”.¹⁹

15. Negotiations are ongoing between Armenia and Azerbaijan, with the help of separate mediation efforts by the European Union, the United States, and the Russian Federation. Charles Michel, President of the European Council, has hosted multiple sets of talks between President Aliyev and Prime Minister Pashinyan, notably in Brussels on 14 May 2023, where the leaders agreed to the resumption of bilateral meetings on border issues.²⁰ French President Macron and German Chancellor Scholz joined talks in the margins of the second summit of the European Political Community on 1 June 2023.²¹ Further negotiations have been planned, including in Brussels on 21 July 2023 and in the margins of the next meeting of the European Political Community in Spain on 5 October 2023.²² Antony Blinken, the US Secretary of State, has hosted negotiations between the leaders,²³ as well as between the states’ foreign ministers, where terms have been agreed to in principle.²⁴ A meeting of both leaders with President Putin of the Russian Federation was held in Moscow on 25 May 2023.²⁵

16. Both President Aliyev and Prime Minister Pashinyan have declared their recognition of each other’s country’s territorial integrity and sovereignty, by confirming their commitment to the Charter of the United Nations and the 1991 Almaty Declaration, in the margins of the first European Political Community summit in Prague on 6 October 2022.²⁶ Under the terms of the 1991 Declaration, the Republic of Azerbaijan and the Republic of Armenia agreed to recognise and respect each other’s territorial integrity and the inviolability of existing borders.²⁷

3. Azerbaijan’s position

17. In the absence of an invitation to visit Azerbaijan and meet with relevant interlocutors there, the information on Azerbaijan’s position on the matter below is drawn – unless explicitly stated otherwise – from a letter from Samad Seyidov, head of the Azerbaijani delegation to the Assembly, addressed to me in response to a questionnaire I had previously sent him, and dated 24 May 2023.²⁸ It should be noted that in order to

18. Texts adopted – Implementation of the common foreign and security policy – annual report 2022 – Wednesday, 18 January 2023 (europa.eu).

19. Joint motion for a resolution on the humanitarian consequences of the blockade in Nagorno-Karabakh | RC-B9-0075/2023 | European Parliament (europa.eu).

20. Press remarks by President Charles Michel following the trilateral meeting with President Aliyev of Azerbaijan and Prime Minister Pashinyan of Armenia – Consilium (europa.eu).

21. Remarks by President Charles Michel after his meeting with the leaders of Armenia, Azerbaijan, France and Germany – Consilium (europa.eu).

22. Idem.

23. Secretary Blinken’s Meeting with Armenian Prime Minister Pashinyan and Azerbaijani President Aliyev – United States Department of State.

24. Armenia-Azerbaijan Peace Negotiations – United States Department of State.

25. Putin reports progress in talks between Armenia and Azerbaijan, saying only technical issues remain | AP News.

26. Statement following quadrilateral meeting between President Aliyev, Prime Minister Pashinyan, President Macron and President Michel, 6 October 2022 – Consilium (europa.eu).

27. [www.venice.coe.int/webforms/documents/?pdf=CDL\(1994\)054-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL(1994)054-e).

28. Available from the Secretariat upon request.

remain consistent with the wording of the Trilateral Statement, I use the term “Lachin corridor” below, while the letter speaks about the “Lachin road”. While not strictly verbatim, the information below is identical to that provided in the letter.

Situation at the border

18. The Trilateral Statement of 10 November 2020 signed by the leaders of Azerbaijan, the Russian Federation and Armenia envisaged a 5 km-wide “Lachin Corridor” for the movement of citizens, vehicles and cargo in both directions between Armenia and Nagorno-Karabakh, where the Russian peacekeeping contingent is temporarily deployed. The latter is in charge of organising the movement of citizens, goods and vehicles along the Lachin road, while Azerbaijan guarantees their security moving along the road.

19. The letter indicates that Azerbaijan has not put any restrictions on the traffic along the Lachin road. The regime for the movement continues to be the same as before. There have been no impediments for local residents both individually or accompanied by the Russian peacekeepers or ICRC to cross the border. Humanitarian cargo continues to pass without hindrance.

20. The letter specifies that the Trilateral Statement does not envisage the extra-territoriality of the Lachin corridor. The 5 km-wide area remains a part of the sovereign part of Azerbaijan, like the other areas where the peacekeeping contingent is temporarily deployed. It does not envisage either the non-controlled entry and exit of persons, vehicle and cargo to and from Armenia and nothing in the document can be construed or interpreted as preventing Azerbaijan from exercising its sovereign right to control of movement of persons, vehicles and cargo along the Lachin corridor.

21. The letter states that since the signing of the Trilateral Statement, the Lachin road has been used for illegal military purposes, including the rotation of military personnel, the transfer of weapons and ammunition, as well as landmines produced in Armenia in 2021. Azerbaijan has been calling for order and transparency over the movement across the Lachin corridor.

22. Protests of Azerbaijani civil society activists took place from 12 December 2022 to 28 April 2023 along the Lachin corridor.

23. With the establishment of a border crossing point at the starting point of the Lachin corridor on the border between Azerbaijan and Armenia on 23 April 2023, with appropriate border and customs procedures, Azerbaijan has ensured transparency over the movement along the road, the rule of law, security and safety. As a result, the movement of persons, vehicles and cargo is predictable and regulated in both directions.

24. Those crossing the border are required to present appropriate identification documents. The inhabitants of the region are considered as Azerbaijani citizens of Armenian origin.

25. The border crossing checkpoint has been equipped with X-ray and other modern technologies in order to facilitate the quick inspection and fast movement through the road.

26. The letter indicates that Azerbaijan monitors the situation on the ground and will use all measures at its disposal to fend off any further security threats related to the movement along the Lachin corridor. Any attempt to abuse the Lachin corridor for purposes inconsistent with the Trilateral Statement will be thwarted accordingly.

Statistics

27. Between 12 December 2022 and 24 May 2023, a total of 2 000 persons have crossed the Lachin corridor in both directions with the assistance of ICRC. Nearly 9 000 have passed through the road, including those transporting humanitarian goods and ICRC convoys, which means almost 100 a day.

28. In total, 1 266 medical evacuations were carried out with the assistance of ICRC (486 patients and their 290 relatives to Armenia and 308 patients and their 182 relatives from Armenia). In addition, 714 persons benefited from family reunification in both directions (336 persons travelled to Armenia while 378 returned from Armenia). The ICRC facilitated passage has continued after the establishment of the border checkpoint, with the passage of 113 patients and their 56 relatives to Armenia and 84 patients and their 54 relatives. Between 28 April and 7 June 2023, a total of 169 persons were medically evacuated to Armenia in 63 vehicles, while 138 returned in 62 vehicles. No request for passage by the ICRC has been rejected.

29. Between 10 and 16 April 2023, 430 tons of flour were transported by the ICRC from Armenia to Khankendi/Stepanakert.

Energy supplies

30. The letter states that there have been no gas and electricity interruptions. The ICJ rejected Armenia's request to grant a provisional measure to "immediately fully restore and refrain from disrupting or impeding the provision of natural gas and other public utilities to Nagorno-Karabakh".

31. The cases of temporary disruption of gas supply in the area were due to technical failures or bad weather conditions. In some cases, the Azerbaijani authorities have taken measures to fix the problems with their own resources in order to ensure the provision of gas without any disruptions.

The construction of the new alternative road

32. Pursuant to Paragraph 6 of the Trilateral Statement according to which "...within the next three years, a plan will be outlined for the construction of a new route via the Lachin Corridor, to provide a connection between Nagorno-Karabakh and Armenia, and the Russian peace-making forces shall be subsequently relocated to protect the route", Azerbaijan implemented its obligation by finalising the construction of a new alternative road bypassing Lachin city. The road has been operational since August 2022.

33. This construction was carried out in dialogue between the Azerbaijani authorities and the local Armenians without any impediment, and without the involvement of the Russian peacekeepers. This testifies that communication between the stakeholders is not only possible but also useful, as it allows the Armenian population of the region to benefit from the opportunities presented by Azerbaijan's large-scale reconstruction and rehabilitation works in the region.

34. Upon the construction of the new road, the city of Lachin and the Zabukh and Sus villages were returned under Azerbaijan's control pursuant to the Trilateral Statement. This will enable and accelerate the return of tens of thousands of displaced Azerbaijanis from these territories.

35. Because Armenia delayed the construction of the new road on its territory, Azerbaijan constructed a 4,7 km temporary road to respond to the needs of the local inhabitants, who used it until March 2023, when Armenia finalised the construction of the missing road within its territory.

Implementation of the International Court of Justice and European Court of Human Rights' interim decisions

36. The letter states that the Lachin corridor is open and safe passage is guaranteed in accordance with the Trilateral Statement. Since receiving the ICJ Order, Azerbaijan has continued to take all measures at its disposal to ensure unimpeded movement of persons, vehicles and cargo along the Lachin corridor.

37. Azerbaijan is in regular contact with the ICRC to facilitate the humanitarian traffic along the Lachin corridor. Russian peacekeepers are also involved in medical evacuations of seriously ill persons.

38. After the establishment of the border checkpoint, the eco-activist civil protestors followed the advice of the Azerbaijani authorities and suspended their civil action at the Lachin corridor on 28 April 2023.

39. As a result, the border crossing checkpoint has been effective in preventing the illegal entrance and use of the Lachin corridor for the purposes other than envisaged in the Trilateral Statement. It thus prevented the passage of military personnel and cargo (except those for the needs of the peacekeeping contingent), the movement of terrorists and illegal migrants, the illegal entrance of nationals of third countries and stateless persons, the trafficking in arms, drugs, and other dangerous and hazardous materials, and the use of the road for illicit trafficking of natural resources and cultural property.

Return of internally displaced people

40. The letter states that sustaining peace, rehabilitation and reconstruction and the return of the IDPs are absolute priorities for the Government of Azerbaijan. Large-scale constructions and new infrastructure activities are underway. A major obstacle to these efforts is the mine contamination of the territories which passed from Armenian to Azerbaijani control. More than 300 persons, mainly civilians, have fallen victim to Armenian mines, some of them smuggled and planted by Armenia after November 2020.

41. Azerbaijan is cooperating with UN agencies in these efforts of reconstruction.

42. On the occasion of Azerbaijan's Independence Day, on 28 May 2023, a ceremony was held in the city of Lachin in the presence of President Aliyev who presented house keys of the returnees.²⁹

43. Since 27 May 2023, on the eve of Azerbaijan's Independence Day, the first 20 families returned to the city of Lachin. Some 4 000 persons are expected to move to Lachin in the near future. A total 700 buildings were built in the last months, of which 620 individual residential buildings and 9 apartment buildings with a total of 144 apartments. A school will be ready for the next school year and a medical centre will be built. More than 1 100 jobs will be created. Lachin has become one of the most beautiful cities in the world.³⁰

Fact-finding mission

44. The letter states that the main obstacle for the movement of civilians along the Lachin corridor, as well as passing through the border control checkpoint, is the intentional and consistent refusal of Armenia to co-operate to this end and pressure on the civilians to avoid using them.

45. Armenia's objective is to jeopardise the reintegration initiatives of Azerbaijan, regardless the on going post-conflict rehabilitation and construction activities of its government, and thus, receive international support for their campaign against Azerbaijan.

46. In this context, the exploitation of international organisations by Armenia is of serious concern. Armenia speculates on the idea of so-called "fact-finding" and other missions to substantiate its propaganda campaign, evade from the implementation of its commitments, and thus, undermine efforts for normalisation. Furthermore, the dispatching of such a mission would be counter-productive in the context of the direct negotiations between Armenia and Azerbaijan, which have recently resumed at the highest political level.

47. The letter ends by asserting that Azerbaijan remains open for constructive interaction and dialogue.

Azerbaijan position as expressed by President Aliyev

48. In his speech delivered on the occasion of Independence Day, President Aliyev spoke about the liberation of [Azerbaijan's] "native lands from the invaders" and highlighted that "we – the owners of the land – have come here to build and create".³¹ Armenians are described as the "contemptible", "loathsome" and "hated" enemy, who were brought "to their knees and expelled from [Azerbaijani] land".

49. According to President Aliyev, the border checkpoint established on 23 April 2023 "should be a lesson for the Armenians living in the Karabakh region today". Moreover, he added that "the Karabakh region where Armenians live today is our ancestral and legitimate land". President Aliyev continued by saying that "there is only one option left – to obey the laws of Azerbaijan, to be loyal and normal citizen of Azerbaijan, throw the false state attributes in the trash...". Towards the end of his speech addressed to returnees, President Aliyev also sent a message to his Armenian neighbours: "Let them know that we can see Armenian villages from here. We can see those villages, so they should not forget about that".³²

50. In his address, President Aliyev confirmed that the movement along the Lachin corridor is under full control [of Azerbaijan].³³

4. My assessment of the situation on the ground

51. I agree with President Aliyev about Azerbaijan's full control over the Lachin corridor. Indeed, since 12 December 2022, first with the presence of persons describing themselves (and also by the Azerbaijani authorities) as "eco-activists", and then with the establishment of a border checkpoint on 23 April 2023, the control established along the Lachin corridor has made movement through it highly restricted and limited to only a small category of persons, vehicles and goods through the mediation on the ICRC and the Russian peacekeepers.

52. All the information presented in this report has been crossed-checked with my Armenian and international interlocutors. I regret very much that I was not invited to visit Azerbaijan, and I trust that this lack of access to the Lachin corridor and lack of possibility to discuss the issues directly with the Azerbaijani authorities will not be used as a pretext for refuting or throwing doubt on my findings, conclusions and recommendations.

29. "Ilham Aliyev met with people who returned to the city of Lachin and presented house keys to them", Official web-site of President of Azerbaijan Republic.

30. Idem.

31. Idem.

32. Idem.

33. Idem.

53. Since 12 December 2022, extremely challenging living conditions, notably regarding access to food, hygiene, healthcare, medicine and education, have affected the Armenians living in Nagorno-Karabakh and for whom the Lachin corridor is the only possible route to Armenia.³⁴ This includes a high number of children and elderly persons. A significant number of Armenians living in the region who were in Armenia at the time have been unable to return home. I have met a number of them in Goris: they all hold onto the hope that family reunification will eventually happen.

54. When the “eco-activists” appeared, they were perceived from the outset as a threat by the Armenians living in the region. It is difficult to say to what degree fear or overtly hostile behaviour of the “eco-activists” prevented them from passing through the Lachin Corridor, but I was told of two specific incidents where people trying to return from Armenia to Stepanakert were harassed, and in, one of them, prevented from doing so. The first incident occurred on 7 April 2023, where a group of women tried to return with the help of the Russian peacekeepers, and were prevented from doing so, except for four of them who became ill and fainted, and were then transported to the Stepanakert hospital. The second incident concerned teenagers returning from the junior Eurovision song contest held in Yerevan, who were harassed on their way back. In both cases, these persons were transported by the Russian peacekeepers.

55. With the establishment of the border checkpoint on 23 April, the Lachin corridor has become one of the three border posts between Armenia and Azerbaijan, and is intended exclusively for the use of the inhabitants of Nagorno-Karabakh. Has any Armenian tried to pass the checkpoint on her/his own and been rebuffed? It is difficult to say, but fear is a crucial factor, in particular for men who have all been involved in a way or another in the war, at least as servicemen, and who are threatened to be prosecuted for terrorism, sabotage and subversion.³⁵ A foreigner with an Azerbaijani visa would not be able to pass through.

56. All supplies, be it energy, medical, food etc. were imported from Armenia until 12 December 2022. These imports have become almost impossible since then. Shortages have become part of daily life. Azerbaijan's offer to provide energy and other supplies from Azerbaijan is not welcomed by the local population, who appear terrorised by the idea of reintegration and of their possible future under the Azerbaijani authorities. The Russian peacekeepers and the ICRC play an essential role in transporting people and goods along the Lachin corridor as free movement is impossible in practice.

57. I cannot ignore the frustration towards the international community which was voiced during my mission. Armenians are worried that they are not heard and that only force will end up prevailing, with Azerbaijan getting rid of a large part of the local Armenian population. I very much hope that this report will serve, among other things, to highlight the very difficult humanitarian situation the Armenian inhabitants of Nagorno-Karabakh have had to face since 12 December 2022. I will not dwell on the broader geopolitical issues because this is not my mandate and because I want to target this report to the concrete action the Council of Europe could take to contribute to solving this situation.

The “eco-activists”

58. If I use inverted commas to evoke the group of people who presented themselves as “eco-activists” when they appeared on 12 December 2022, it is because I have received sufficient information from different sources to put in question their real intent. Their appearance at the Lachin corridor on 12 December seems to me to be a demonstration of an intention on the part of Azerbaijan to create a hostile and uncomfortable situation for the Armenian inhabitants of the region.

59. The most picturesque of these characters was the lady with mink fur, speaking with a megaphone, who threw a dead dove in the air.³⁶ Probably a subliminal sign of the peace spirit that she brought with her.

60. Different Armenian governmental and non-governmental sources have identified some 300 persons, including ex-military, youth, “eco-tourists” from Brazil etc.³⁷ Some organisations funded by the new state agency co-ordinating the work of NGOs established in 2021 also took part in the gatherings at the Lachin corridor. They disappeared soon after the establishment of the checkpoint, presumably having fulfilled their mission. I was informed that some of them recently started demonstrating before the Presidential administration because they were not sufficiently paid for their demonstration at the Lachin corridor.

34. The use of “Armenians living in Nagorno-Karabakh” is without prejudice to their status.

35. “Azerbaijani state collecting evidence for punishment of Armenian separatists – former military prosecutor” (PHOTO/VIDEO) (trend.az).

36. “Arménie: ces nébuleux «éco-activistes» qui bloquent le corridor de Latchine” (lefigaro.fr).

37. “The Lachin Corridor standoff between Armenia and Azerbaijan ends, for now” Global Voices.

The role of the Russian peacekeepers

61. Under the 2020 Trilateral Statement, a peacekeeping contingent of the Russian Federation was deployed along the Lachin Corridor.³⁸ It consisted of 1 960 servicemen with small arms, 90 armoured personnel carriers and 380 units of automobile and special equipment.³⁹ The peacekeeping contingent was to stay in place initially for five years, with a possibility of further extensions.⁴⁰ The peacekeepers were responsible for regulating traffic along the Lachin Corridor until the establishment of a checkpoint by Azerbaijan on 23 April 2023.⁴¹ In spite of the Russian peacekeeping mission, there have been multiple reported violations of the ceasefire agreement.⁴²

62. During the period when the ICRC had to suspend its operation between 29 April and 16 May 2023, the peacekeepers continued to transport ill patients towards Armenia and to bring Armenians from Nagorno-Karabakh back from Armenia, including some of the persons I met in Goris, who were, however, not allowed to return.

63. I have heard expressions of frustration regarding the Russian peacekeepers, because of their inaction and inability to protect the Armenians when confronted with angry “eco-activists” along the Lachin corridor.

The role of the ICRC

64. Since December 2022, in its role as a neutral humanitarian intermediary and in agreement with all sides; the ICRC has transported over 400 patients through the Lachin corridor and reunited separated families (nearly 600, including 230 minors). It has been delivering medicine, baby formula and food supplies to health facilities and is also ensuring the continuity of emergency health and ambulance services. Furthermore, the ICRC has distributed food and hygiene parcels to several institutions and individuals, and has delivered various seeds to assist with farming in rural and semi-urban communities.⁴³

65. From 29 April to 16 May 2023, ICRC’s operations were suspended until its operating procedures were agreed with the Azerbaijani authorities. There have been no major obstacles to its activities since then.

The role of the European Union Mission in Armenia

66. On 23 January 2023, the Council of the European Union agreed to establish an EU Mission in Armenia under the Common Security and Defence Policy, with the objectives of “[contributing] to stability in the border areas of Armenia, building confidence on the ground, and ensuring an environment conducive to normalisation efforts between Armenia and Azerbaijan supported by the EU.”⁴⁴ It is composed of up to 100 unarmed staff, including experts and monitors, and has an initial mandate of two years.⁴⁵ Being unarmed and limited in numbers, their mandate is confined to observing and reporting on the situation along Armenian borders with Azerbaijan,⁴⁶ and they cannot intervene to prevent or respond to violations of the ceasefire agreement. They are present only on the Armenian side of the border and cannot observe developments on the Azerbaijani side.⁴⁷

Access to health care

67. The only way for persons who require medical treatment that cannot be performed on the spot is to be transported to Armenia by the ICRC or the Russian peacekeepers. It is not possible to take one’s own car or public transport and just go, as was the case before 12 December.

38. 2020 Trilateral Statement, para 3 (see: www.commonspace.eu/news/document-full-text-agreement-between-leaders-russia-armenia-and-azerbaijan).

39. *Ibid.*

40. *Ibid.*, para. 4.

41. <https://reliefweb.int/report/armenia/new-troubles-nagorno-karabakh-understanding-lachin-corridor-crisis>.

42. See, for example: <https://tass.com/politics/1627157>.

43. “Operational Update – ICRC operations across the Lachin Corridor” | ICRC.

44. “Armenia: EU establishes a civilian mission to contribute to stability in border areas” – Consilium (europa.eu).

45. “Armenia and Azerbaijan: Between war and peace” | Think Tank | European Parliament (europa.eu).

46. *Ibid.*

47. EU Mission in Armenia (EUMA) | EEAS (europa.eu).

68. The number of cases requiring treatment outside the region has significantly increased since then for several reasons: the lack of medicines and medical equipment, the impossibility for specialists to travel from Armenia or abroad to the region to carry out specifically challenging operations and the disruption of electricity. Also, local doctors have been unable to travel to Armenia or abroad to further their education.

69. For these reasons also, all planned surgical operations have had to be cancelled and only emergency ones are still being carried out.

70. Because of the electricity disruption, hospitals are connected to the grid for only 6 hours per day and have to use generators for the rest of the time, requiring diesel or petrol. The local hospital generator cannot cope with the strain when a blackout occurs, and such blackouts occur three times a day for two hours at a minimum, with no possibility to anticipate their timing. There have been electricity cuts for up to 10 hours.

71. In the Medial Centre for Children, all planned surgical operations have also been cancelled, and children needing surgery had to be sent in Armenia. The queues of children requiring treatment for serious illnesses has significantly increased in Armenia as the specialists who were coming to treat them to Stepanakert are not allowed to do so anymore. During the winter, I was told that it was impossible to keep the hospital warm. Rolling blackouts were in place, and all children had to be kept in one ward to keep them warm, regardless of their illness. Adequate nutrition for children is a pressing problem.

72. It has become extremely difficult to deal with chronic diseases that require specialist care, while the acute forms of illness have now to be transferred to Armenia. The shortage of paediatricians and neurologists, who cannot visit from abroad, has become very worrying. The availability of medicines and medical supplies depends entirely on ICRC's transport. It is unclear how preventive medical measures can be undertaken and whether vaccinations are still regularly carried out.

73. Access to healthcare is neither reliable nor sustainable. The transfer of patients is prioritised by a medical committee, and it can take up to several days until a medical transport is authorised. The ICRC has been unable to carry out any medical transport at all during two periods of a fortnight, namely at the beginning of the action of the "eco-activists" on the Lachin corridor and after the establishment of the border checkpoint on 23 April, pending the agreement of an authorisation procedure with Azerbaijan, which has to green-light each transfer of patients.

74. The transfer of patients is a big challenge. Some patients cannot move and have to be transported in a horizontal position. The role of the hospital now is to regulate and stabilise the patients before transferring them to Armenia.

75. The situation outside Stepanakert is even more challenging as patients have first to be transferred to the hospital there. There are four villages near Shusha/Shushi (Turshsu/Lisagor, Saribaba/Yeghtsanhogh, Boyuk Galadarasi/Mets Shen and Khichik Galadarasi/Hin Shen) which are totally cut from the rest of the region and Armenia.

76. It is not only patients who are affected by mental health issues, but the medical staff as well. The terrible living conditions they are subjected to and the uncertainty about their future has fragilised the minds of many.

77. While it is not possible to estimate the number of persons who have died because of the inadequate healthcare available in Stepanakert, at least one patient who required a kidney transplant lost his life because he could not be transported in time to hospital in Armenia, and the body of another one who died during treatment in Armenia was not allowed to be returned for burial.

Infrastructure

78. I was informed that since 9 January 2023, the electricity supply coming from Armenia has been disrupted. This has had serious consequences on the operation of schools (which were simply closed during the winter), hospitals, businesses and life in general. The electricity grid is situated in areas around Lachin/Berdzor city which came under Azerbaijan control in August 2022, thereby making access impossible for repairs or adjustments. The infrastructure was supposed to move along the new road, but this has not yet been the case.

79. Before the 2020 war, there were 20 small river-based generators. Now, electricity provision relies upon hydroelectric power from 4 small river-based generators and the generator at the Sarsang water reservoir, of which the increased significant role in providing electricity has proportionally decreased its water level since December, because of overuse. In addition, no equipment is designed to be in use all the time, so problems with the machinery are now occurring.

80. The Sarsang water reservoir is heavily relied upon. It traditionally supplied 32 % of the electricity of the region. Because of a significant use, there has been an unprecedented decline in water levels. Calculations indicate that there were 345.45 million cubic meters of water in January 2022 and 117 left in January 2023. Longer electricity shortages are expected in July and August, which will only contribute to the deepening of the humanitarian crisis. Part of the water from the reservoir has in the past been used for other regions of Azerbaijan, but this is no longer possible, since the water only suffices for the electricity generator.

81. Cutting electricity three times a day enables 30% of total capacity to be saved. However, there are risks that electricity will have to be cut completely because of insufficient hydropower. Indeed, a hydro generator in reservoir needs a minimum of 70 cubic meters to operate. The peak of the crisis is projected to happen in August and could result in either full disruption or just few hours a day of electricity.

82. Data indicates that the problem with supply is located within the 31st km of line in the vicinity of the city of Lachin/Berdzor, under Azerbaijani control. Azerbaijan has refused to give access to either Armenian engineers/technicians or Russian peacekeepers to fix this issue. Before 9 January, it was possible to repair breakage with the help of Russian peacekeepers, since then, no one has been allowed to access to this area.

83. The Sarsang water reservoir and four small hydro-electric power stations in fast running rivers are the only sources of water and hydropower. There is not enough river flow to generate the same electricity in the winter.

84. The gas supply coming from Armenia has been interrupted many times since 13 December 2022 and indefinitely since 21 March 2023. No one, including the ICRC, has been allowed by the Azerbaijani authorities to go on the spot and check what was happening. This gas supply was used to help generate electricity. It was functioning normally the day when the ICJ delivered its Order rejecting Measure No. 3 regarding the disruption of gas and utilities for lack of sufficient evidence (Order, paragraph 64).⁴⁸

85. Calculations of gas flow indicate that the gas goes to the village of Pekh, and not beyond that point, suggesting that a valve has been installed. The blockage can be checked with the level of gas pressure.

86. In a meeting held between the parties before the new road was put into operation, the possible transfer of communication lines to the new road was discussed. Communication lines were transferred but gas and electricity were not.

87. The lack of overall maintenance of infrastructure leads to its erosion.

Shortages

88. The fact that the ICRC and Russian peacekeepers have to bring food to Nagorno-Karabakh is evidence of food shortages. By April 2023, ICRC had transported the following humanitarian aid: 2 water pumps for the safe distribution of drinking water, water cleaning chemicals and fitting materials, 7 tons of corn seeds, over 1000 tons of wheat flour and 154 tons of potato seeds). However, their logistic capacity is limited. As a result, some goods are stuck in Goris.

89. Food rationing has been put in place, with ration cards used to buy essential products such as pasta, buckwheat, rice, sugar, oil, fruits, vegetables, eggs, etc.

90. I was also informed of the scarcity of cash money and of the fact that people have to exchange goods or use vouchers for purchasing goods. Money withdrawals have been limited to automated teller machines (ATMs). On 11 January 2023, withdrawal amount of cash was restricted to 50 000 AMDs (around 127 USD) daily.

91. The economic activity in the region has been hampered since the import of raw materials and the export of finalised goods have become impossible. Some 6 000 persons have lost their jobs and their main source of income. The unemployment rate is about 20%.

48. "When Might Is Wrong: Addressing Azerbaijan's Refusal to Comply with the ICJ's Order to Unblock the Lachin Corridor" – *Opinio Juris*".

92. Shooting incidents at least on 28 April and 5 May targeting civilian farmers have strongly discouraged the agricultural work on land, crucial at this period of the year.

93. It is difficult not to conclude that these many hardships and daily obstructive steps do contribute very overtly to a sense that the Armenians living in Azerbaijan do not have a viable future there.

The dilemmas of the Armenian Government

94. The recognition of Azerbaijan's territorial integrity by Armenia was a courageous step on the part of Prime Minister Nikol Pashinyan, who has to face criticism from the opposition, the Armenian diaspora and the Armenians from Nagorno-Karabakh.

95. The government prevented escalation by stopping the Armenians who went to demonstrate to the Lachin corridor. The control point which was installed by Armenia aims at preventing people from coming too near and provoking an escalation of an already very tense situation.

96. Nikol Pashinyan's speech at the Armenian Forum for Democracy on 31 May 2023 expressed his positive hope that high economic growth and peace will be the country's supporting brand and that the unity of democracy, economic growth and peace must serve this goal. It has to be said that this approach contrasts starkly with certain recent discourse of the Azerbaijan leadership and political class, in particular the speech of President Alyiev mentioned above⁴⁹ and the declaration earlier this year from the international relations committee of the Azerbaijani Parliament that the Armenian diaspora was "long since a cancerous tumor of Europe."⁵⁰

97. While it is difficult to negotiate with a party keen to employ hate rhetoric and even denying Armenia's territorial integrity, it is crucial for Armenia to continue to do its utmost to contribute to the de-escalation of the tensions on the ground.⁵¹⁵²

5. Conclusions and recommendations

98. When I was appointed rapporteur for this report, I wished to change its title from "The humanitarian consequences of the blockade of the Lachin corridor" to "Ensuring a safe and free access through the Lachin corridor" so as not to prejudice the outcome of my work. At the end of this process, and in preparing all the elements for my report, I have regretfully come to the conclusion that access through the Lachin corridor is neither free nor safe.

99. The fact that I was not allowed to go through the Lachin corridor and to visit Khankendi/Stepanakert to speak to the persons stranded there did not prevent me from gathering valuable evidence coming from both Armenia and Azerbaijan, and this evidence has led me to this conclusion.

100. It is important to underline that the Lachin corridor is not only a security issue for Azerbaijan and a humanitarian question for the inhabitants of the region. It has also serious consequences for the enjoyment of the basic human rights of the Armenians living within the internationally recognised borders of Azerbaijan. At present, the Azerbaijan authorities do not demonstrate recognition of the problem of access, nor clear willingness to immediately resolve the most urgent issues; indeed some elements of the recent rhetoric are likely to exacerbate mistrust and fear. For these reasons, alongside the Assembly, the Council of Europe as an Organisation and all its bodies should be clear in voicing their concern and in proposing solutions and support in the fields which are within its mandate, thus contributing to upholding its values and standards on the territory of one of its member States, and to promoting a peaceful coexistence between two neighbouring member States after years of tensions and war.

101. It is particularly sad and worrying if the fear felt by the Armenians living in Nagorno-Karabakh is currently being fuelled by threatening rhetoric at the highest political level in Azerbaijan. Such fear must certainly contribute to their reluctance to cross the border checkpoint erected on 23 April 2023. Azerbaijan – having recovered territory within its internationally recognised borders – now has the primary responsibility for ensuring that Armenians living under its jurisdiction feel safe and free to live their lives as they wish in accordance with the law and applicable international standards, in particular the Council of Europe human rights standards to which it is bound.

49. "Democracy is Armenia's main trademark, says Pashinyan" | ARMENPRESS Armenian News Agency.

50. www.politico.eu/article/eu-showdown-former-soviet-union-oil-azerbaijan-armenia-conflict-south-caucasus/amp/.

51. Western Azerbaijan (political concept) – Wikipedia and Zangezur corridor – Wikipedia.

52. "New Troubles in Nagorno-Karabakh: Understanding the Lachin Corridor Crisis" | Crisis Group.

102. Yet on the contrary, the fear felt is being exacerbated by the dire living conditions of the Armenians from Nagorno-Karabakh after electricity and gas were deliberately cut off. In these circumstances, it is hard to escape the conclusion that there may be an intention to make it as uncomfortable and difficult as possible for the Armenian population to remain within Azerbaijan.

103. This report is limited to the mandate assigned to me and does not go beyond the consequences connected to the impossibility of crossing freely and safely the Lachin corridor. I did not dwell on issues related to the peace negotiations taking place between Armenia and Azerbaijan under the auspices of the European Union, the United States of America and the Russian Federation. However, I do believe that some of the issues I have tackled may be relevant for these negotiations, in particular regarding the absolute necessity to build genuine and sustainable trust between two neighbours which have no other choice than live together. International presence would undoubtedly help in this process.

104. The implementation of standards of democracy, human rights and the rule of law to which Azerbaijan is committed and obliged as a Council of Europe member State, must be at the heart of the solutions to be identified and must be respected in order to alleviate the suffering of the Armenians living in Azerbaijan, in particular in the territories recuperated since 2020, and for which the Lachin corridor is the only way to join Armenia. The Council of Europe has relevant standards and valuable tools, which could greatly contribute to build confidence between Armenia and Azerbaijan, and between Azerbaijan and the Armenians living under its jurisdiction, but they can work only if sincerely applied and used.

105. Peace is not only the absence of war. Peace is feeling free and safe in a society which gives you the opportunities to strive for happiness, development and fulfilment. So far, Azerbaijan has not demonstrated its readiness to guarantee such freedom and safety for the Armenians living on its territory and under its jurisdiction. The Council of Europe and its member States must use all possible leverage to ensure that the commitments undertaken by Azerbaijan when it joined the Organisation more than 20 years ago are fulfilled so that fear and hatred between the two communities truly belong to the past once and for all.

Appendix

Dissenting opinion presented by Mr Samad Seyidov (Azerbaijan, EC/DA), pursuant to Rule 50.4 of the Rules of Procedure

In the light of the ongoing negotiation process between Armenia and Azerbaijan on the normalisation of interstate relations, unfortunately, the current report is untimely unfair and inaccurate. The report contains numerous baseless and unacceptable accusations against Azerbaijan and does not reflect the real situation in the region, as well as around the Lachin road.

Apparently, the report describes and assesses the issues in the region based on strong prejudices. As for Azerbaijan's position on the situation presented earlier to the rapporteur, the document willingly emphasizes that this is the position of this particular country. However, information received from Armenian sources, which is not based on any evidence, is presented as a fact. Thus, the theses of Armenia and the revanchist circles are recklessly repeated, and the rapporteur argues that these are his own conclusions. This is a serious shortcoming of the report from a methodological point of view.

In this context, the claim of “absence of free and safe” passage through the Lachin road does not correspond to reality on the ground. Besides ensuring security in the region, Azerbaijan provides all conditions for an unimpeded, safe and transparent passage through the border checkpoint. As repeatedly brought to the attention of the rapporteur, also from publicly available sources, the Lachin road continues to be used by local Armenians, the ICRC and the Russian peacekeeping contingent. As for the establishment of the border checkpoint, which appears to be presented in the report as “a unilateral action by Azerbaijan in contradiction to the Trilateral Statement of 10 November 2020”, it must be underlined that the border security and management is exclusively within the sovereign right of each State and nothing in the Trilateral Statement implicitly or explicitly contain any derogation by Azerbaijan of this right.

Furthermore, regretfully, the report overlooks the consistent efforts that Azerbaijan has been making since November 2020 with respect to addressing the rights and security of Armenian residents living in its territory. At the highest level, Azerbaijan expressed its determination to reintegrate these residents as equal citizens into Azerbaijan's political, legal, economic, social system. Most recently, Azerbaijan designated a Special Representative for the dialogue with local ethnic Armenians, who has already conducted first round of talks on 1 March 2023. Instead of acknowledging these and other efforts and encouraging further steps, the report passes over them in silence and replicate one-sided accusations stemming from the false and unsubstantiated narrative of Armenia, which serves to denigrate Azerbaijan's efforts to this end.

In addition, hate speech is a serious problem and by no means unique to any single society. Therefore, the differentiation and value judgment made in the report in this respect is unwarranted, counter-productive and does not help to tackle the problem. Even more, the report will be undoubtedly used for hateful anti-Azerbaijani propaganda, due to its selective and biased approach.

Finally, on a particular point, it should be noted that, while recognising the territorial integrity and sovereignty of Azerbaijan, the report unfortunately uses old and incorrect toponyms to refer to the sovereign territories of Azerbaijan.