

STATEMENT

The events resulting from Armenia's aggression against Azerbaijan and its sustained, systematic policy of genocide constitute some of the most horrific chapters of violence, inhuman treatment and torture perpetrated against people in the 20th century. These events were accompanied by massive violations of human rights and freedoms.

As is well known, Armenia pursued a policy of genocide in Azerbaijani territories by perpetrating massacres against Azerbaijanis on the basis of their ethnic identity and with deliberate intent, including in 1905–1907 and in 1918.

As a result of the military aggression launched by Armenia in 1988, 20% of Azerbaijan's territory was occupied, and more than 800 settlements, nearly 6,000 industrial and agricultural enterprises, and 4,366 social and cultural facilities, including 690 secondary schools, 490 healthcare facilities, 927 libraries, 22 museums and 6 state theatres, were burned and destroyed. More than US\$22 billion in damage was inflicted on the country's economy.

As a result of the aggression, more than 20,000 of our compatriots were killed, while more than 50,000 people were wounded, disabled or otherwise injured. Thousands of Azerbaijani citizens were taken captive, went missing or were taken hostage, and the fate of many of them remains unknown to this day. More than one million Azerbaijanis became refugees or internally displaced persons within their own country, more than 200,000 of whom were forcibly expelled from Armenia as a result of its policy of ethnic cleansing.

As part of this series of events, which have deep historical roots, 11 years ago, on the night of 25–26 February 1992, the Khojaly genocide, one of the greatest tragedies of the last century, took place. In a single night, the city of Khojaly was completely burned and destroyed, and the civilian population was subjected to a brutal massacre. A total of 613 people were killed, 56 of whom were killed with particular brutality and torture; 230 families lost their heads of household, and 1,275 of our compatriots who were taken captive were subjected to merciless torture.

As a result of the criminal acts committed by Armenian armed formations with the support of the notorious Russian 366th Regiment, the city of Khojaly was razed to the ground, and hundreds of its residents were killed and burned alive on the basis of their ethnicity. All of them were unarmed civilians—women, elderly people and children.

The fact that these acts were committed in a premeditated manner, with the intention of completely or partially destroying people on the basis of their national identity, proves that, under international and domestic law, they constitute genocide.

This brutality and atrocity committed in the city of Khojaly in Azerbaijan should be assessed at the same level as the tragedies of Khatyn and Songmi, which have been recognised internationally as acts of genocide.

Under international law, genocide is the most serious international crime and constitutes an act directed against peace and humanity. United Nations General Assembly Resolution 96 (I), dated 11 December 1946, states that genocide violates human dignity by denying the right of human groups to exist, deprives humanity of the material and moral foundations created by human beings, and that such acts are entirely contrary to the purposes and principles of the United Nations.

The legal basis of the crime of genocide was established by the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by United Nations General Assembly Resolution 260 (III) of 9 December 1948 and entering into force in 1961. The States Parties to the Convention recognise that, regardless of whether it is committed in time of peace or war, genocide constitutes a crime violating the

norms of international law, and have undertaken to take measures to prevent it and to punish those responsible for its commission.

As responsibility for genocide is universal and mandatory in nature, not only the injured party but also other States may take measures to ensure that the State that has committed the crime of genocide is held accountable. Thus, the principles underlying the Convention have been recognised by the International Court of Justice as norms binding on all States.

All acts constituting the crime of genocide as set out in this Convention were committed during Armenia's aggression against Azerbaijan. Although rampant Armenian aggression and Armenia's policy of terrorism have been taking place before the eyes of the international community for 15 years, the Nagorno-Karabakh conflict, which is among the underlying causes of these developments, has still not received a legal assessment from the international community.

Although the rights and freedoms enshrined in the Universal Declaration of Human Rights, the European Convention on Human Rights, United Nations Security Council Resolutions 822 of 30 April 1993, 853 of 29 July 1993, 874 of 14 October 1993 and 884 of 11 November 1993, which recognise the territorial integrity of Azerbaijan and confirm Armenia's policy of occupation, as well as in the resolutions of the UN Commission on the Status of Women concerning the unconditional release and repatriation of women and children taken captive and held hostage, and in a number of international conventions and international instruments on human rights, have been grossly violated, no decisive measures have been taken against these acts of terrorism and occupation, and those responsible have not been punished.

The resolution adopted by the Office of the United Nations High Commissioner for Human Rights on 28 April 1999 concerning impunity for those responsible for human rights violations specifically emphasised the importance of combating impunity in order to prevent violations of human rights. Indeed, impunity gives rise to new crimes. This is demonstrated by the fact that, having escaped punishment, the Armenian aggressors and terrorists have become increasingly emboldened and have prevented the establishment of a just peace.

As a result, the aggressors have prevented the liberation of the territories they seized through the use of armed force and coercion, as well as the return of more than one million refugees and internally displaced persons to their homes, thereby preventing them from leading normal lives and exercising their human rights.

Today, at a time when the anti-terrorism movement has gained broad momentum worldwide and the principle of ensuring territorial integrity has been universally recognised, the Azerbaijani people, as a people subjected to occupation, terrorism and genocide, have the right to demand from influential and competent international organisations that, without discrimination or double standards, they ensure the restoration of the violated rights of individuals, the return of the occupied territories, and the return of refugees and internally displaced persons to their homes.

Azerbaijan entered the new millennium as an equal subject of international law and is a legal, democratic and secular State in which civil society has been developing, fundamental human rights and freedoms are ensured, and the universally recognised principles of international law and international conventions are respected.

We are confident that justice and fairness will soon prevail and that those responsible for the aggression against Azerbaijan and the Khojaly genocide will be held accountable before an international court of justice. We hope that you will respond to this call for justice from Azerbaijanis throughout the world and assist in restoring peace and security in the territory of Azerbaijan and the violated rights and freedoms of the Azerbaijani people by mobilising all available means at your disposal.

A booklet providing a more detailed account of the Khojaly genocide is also attached to the Statement.

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Commissioner for Human Rights
(Ombudsman) of the Republic of Azerbaijan,**

The Statement of was addressed to the following organisations:

1. The Secretary-General of the United Nations
2. The United Nations High Commissioner for Human Rights
3. The United Nations High Commissioner for Refugees
4. The Secretary-General of the Council of Europe
5. The OSCE