

STATEMENT

by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on occasion of 8 May, the day of occupation of Shusha

Fourteen years passed from the occupation of Shusha city – the cradle of culture of Azerbaijan history, forming a part of the policy of aggression pursued by Armenia, and resulted in gross violation of the norms and principles of International Law.

Troubles faced by our people as a result of purposeful policies of genocide, deportation and aggression of Armenian chauvinists and their supporters have roots deep into the layers of history. Yet at the beginning of the 19th century, after Gulustan Treaty of 1813 and Turkmenchay Treaty of 1828, concluded between Russia and Iran, the process of division of Azerbaijani lands had commenced, dozens of thousands of Armenians were intentionally moved from abroad and located in eternal Azerbaijani lands in Iravan province, Nakhchivan, Karabakh and other regions, and, thus, ethnic structure of the region has been purposely changed in favour of Armenians.

Only during the last century, this offensive policy against our people resulted in loss by Azerbaijanis of their own lands of Iravan, Goycha and Zangezur, and exposure, for four times (1905-1907, 1918-1920, 1948-1953, 1988-1993), of the population of Azerbaijan to massive violation of human rights and freedoms by Armenian nationalists', as well as to ethnic cleansing and deportation accompanied by inhuman and degrading treatment.

Republic of Armenia, which had not been exposed to any sanctions at international level for committed crimes, having continuing their policy of aggression, occupied Azerbaijani territories, and committed numerous acts massively violating human rights. After the Supreme Soviet of the Armenian SSR adopted unlawful decision on "Joining Nagorno-Karabakh Autonomous Oblast of Azerbaijan to Armenia" in 1988, a new stage of occupation by Armenian military units of Azerbaijani lands started. In 1988-1994, the integral part of Azerbaijan – Nagorno-Karabakh and 7 surrounding regions – were occupied by the Armenian armed forces.

The policy of terrorism and aggression of Armenian nationalists is being conducted in front of eyes of the international community for years. Whereas, according to the norms of international law, inviolability of state borders should be respected, and violation of territorial integrity and sovereignty is inadmissible.

According to the Resolution on Definition of Aggression adopted by the United Nations General Assembly on 14 December 1974, aggression is the use of armed force by a

State against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations, and no consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression. A war of aggression, being a crime against international peace, gives rise to international responsibility. No territorial acquisition or special advantage resulting from aggression is or shall be recognised as lawful.

Obviously, despite the fact that norms of international law stipulates that aggression against the sovereignty, territorial integrity or political independence of State, as a crime against international peace, gives to international responsibility, Republic of Armenia ignores these norms.

At the same time, despite the fact that the UN Security Council has adopted four Resolutions on unconditional liberation of the occupied territories of Azerbaijan, Armenia refuses to implement them. The fact that international community do not give political and legal assessment to the acts of Armenia, which create danger for the mankind, results in continuing indifference to norms of international law and perpetration of new international crimes.

On 8 May 1992, Armenian armed forces occupied Shusha, the integral part of Azerbaijan and the cradle of the history of our Republic.

Population of Shusha, which covered the territory of 289 square km, was at the time 24,900.

During the occupation of Shusha 193 people had been killed, and 102 – disabled; 27 industrial and construction units, 103 public amenities, 31 towns, settlements and villages, 249 historical monuments and museums, 17 historical memorials had been destroyed, burned and looted. The property of Shusha Historical Museums consisting of about five thousands of exhibits, the branch of State Museum of carpets and national fine arts, State Historical Museum of Karabakh disposing about a thousand of exhibits as well as the Agoglan temple in Lachin district, the Azikh cavern – and archeological site of a world-wide importance, Asgaran castle in Khojali district, the unique exhibits of Kalbajar Historical Museum were destroyed and plundered.

Evidently, protection, study and regulation of use of historical and cultural monuments, which are the national wealth of nation, is one of the issues being in the focus of each state and international organisations.

Therefore, protection of historical and cultural monuments and thus respect for cultural rights of people is being regulated both by national legislation of states and norms of international law.

Historical and cultural monuments, archaeological and architectural objects, ethnographic, numismatic, epigraphic, anthropological materials, building related to historical events and persons, memorial places, pieces are the values of cultural and religious belief of people.

Tragic results of aggression of the Republic of Armenia against Azerbaijan are not limited to occupation of Azerbaijani territory, and more than 1 million refugees and IDPs. Policy of terror and genocide raised at the level of Armenian state policy against Azerbaijani people has affected heavily Azerbaijani history, culture and values of religious belief.

Republic of Armenia, while violating provisions of international instruments, continue to loot and destroy Azerbaijan's cultural wealth in front of eyes of the world. Thus, more than 100.000 cultural monuments were destroyed or captured, as well as more than 500 cultural and 100 archaeological monuments and 22 museums were destroyed on the occupied territory of the Republic of Azerbaijan.

Apart from material cultural monuments, Armenian nationalists misappropriate folklore, music, literature and other cultural values of Azerbaijani people, and thus, extend occupation policies to the level of cultural values.

Armenian nationalists ignoring any law or moral values, having profiting from the current environment of impunity, intensified moral terror against Azerbaijani culture. As a result of this, Armenian nationalists have started archaeological excavation in 200 caves, related to the Bronze Age, around the Shusha – cultural cradle of Azerbaijan – and, thus, demonstrate once again indifference to norms of international law. Yet, international law prohibits archaeological excavation on occupied territories.

International Covenant on Economic, Social and Cultural Rights of 16 December 1966, Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict and Paris Convention on prohibition of illegal bringing and carrying off the cultural values, also prohibition and prevention of law property, European Cultural Convention of 19 December 1954, UNESCO Convention concerning the Protection of the World Cultural and Natural Heritage of 16 November 1972 and other international instruments stipulate the provisions concerning the protection, study and use of historical and cultural monuments and, generally, protection of cultural rights of persons. In spite of historical monuments being protected by the international acts mentioned above the repulsive representatives of the Armenian vandalism ignore the demands of international organizations, they continue their aggressive police and keep savagely destroying the monuments and sites of historical, material and cultural importance.

On the occupied territories of Azerbaijan the Armenians destroy and steal the tombstones, pilfer the marble gravestones. In the occupied zone the forests and natural sites are being destroyed, the rare platan trees are being cut down.

At present the Ministry of Foreign Affairs of the Republic of Azerbaijan has prepared the map of historical architectural and cultural monuments' location over the occupied territories. This map and the information about the ruined ancient cultural sites and plundered art galleries and museums will be presented to the fact-finding mission of the Council of Europe. As the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, I declare, that violation, by the Republic of Armenia and Armenian nationalists of the Azerbaijan's territorial integrity, occupation of its territory, destroying and misappropriation of its historical and cultural wealth, violation of cultural rights of people absolutely contravene the universal norms and principles of International Law.

While addressing the international community, authoritative international organisations and people of the world, I believe that long-lasting Armenian aggression, genocide conducted against Azerbaijan shall end; peaceful solution of this painful conflict through the negotiation process shall be supported; occupied lands will be liberated; hundreds of thousands of refugees and IDPs will return to their homes; and their violated rights and freedoms will be restored.

I hope that authoritative international organisations would support just position of Azerbaijan, that fairness will triumph, and sanctions against Armenia will be applied by the authoritative international institutions, which has turned the aggression, terror and genocide into a part of its state policy.

We believe that you will support us by mobilising all your resources in order to restore peace on Azerbaijani lands, territorial integrity, violated rights and freedoms of people.

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(Ombudsman) of the Republic of Azerbaijan

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Baku city, Azerbaijan