

Statement by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the occasion of the 14th anniversary of the Khojaly Genocide

Throughout history, bloody crimes, acts of terrorism and genocide have been perpetrated against the Azerbaijani people by Armenian nationalists. Distorting the truth and creating an image of the “oppressed people” in the eyes of the world have, at various times, been the principal tactical means employed by Armenian separatists, who pursue the illusion of a “Greater Armenia,” in achieving their strategic objectives.

Numerous historical documents demonstrate that, as early as 1905–1907, 1918–1920 and 1948–1953, hundreds of thousands of Azerbaijanis who were subjected to policies of ethnic cleansing and genocide in their historical territories in the Caucasus were massacred and deported from their lands by Armenian nationalists.

The Armenian aggression against our country, which began in 1988, likewise represents a continuation, through violent means, of that same policy.

As a result of Armenia’s occupation policy, which it has pursued for 18 years, 20 percent of Azerbaijan’s ancestral territories have been seized; more than 20,000 of our compatriots have been killed, while more than 50,000 people have been wounded, disabled or otherwise injured. As a result of the military aggression, many Azerbaijani servicemen were taken captive, while civilians were taken hostage, some of whom have not been returned to this day. More than one million of our compatriots have become refugees and internally displaced persons; hundreds of our settlements, nearly 6,000 industrial and agricultural enterprises, and more than 4,000 social and cultural facilities, including approximately 700 schools, as well as museums and libraries, have been destroyed, causing material damage of more than US\$60 billion to the country’s economy.

The failure of the then leadership of the USSR to take the necessary measures or to give any political assessment to the demonstrations that began in February 1988 with calls by Armenians for the incorporation of Nagorno-Karabakh into Armenia resulted, within a short period of time, in the destruction and burning of the settlements inhabited by Azerbaijanis in the territory of Nagorno-Karabakh and the killing of their inhabitants.

The occupying military formations directed their next attack towards the city of Khojaly, located on the frontline of the war. Exactly 14 years ago, on the night of 25–26 February, the crime committed in the city of Khojaly, in Azerbaijan’s Nagorno-Karabakh region, by Armenian armed formations together with the 366th Motor Rifle Regiment of the former Soviet Army was one of the most unprecedented events in the history of warfare. Large quantities of heavy military equipment were brought into the city, residential houses were destroyed and burned, and the completely unarmed civilian population, children, women, elderly people and persons with disabilities were subjected to ruthless violence and killed. Those who perpetrated the genocide killed the residents of Khojaly with unprecedented brutality, burned people alive, skinned them and gouged out their eyes.

The next genocide perpetrated by the Armenian aggressors against the Azerbaijani people—the Khojaly genocide claimed the lives of 613 people, including 106 women, 63 children and 70 elderly persons. A total of 487 people were disabled, 1,275 civilians were taken captive, while the fate of 150 people who went missing remains unknown to this day.

As a result of this act of genocide, some families were completely annihilated, the civilian population was massacred with unprecedented brutality, and those taken captive were subjected to merciless torture. On that horrific night, when innocent infants, women and elderly people were killed and an entire city was wiped from the face of the earth, a terrible tragedy in human history an actual act of genocide took place. In the course of these events, the fundamental human rights of our compatriots, and most importantly, their right to life, were massively violated.

The fact that these acts were deliberately committed with the intention of completely or partially destroying people on the basis of their national identity demonstrates that, under international and domestic law, they constitute genocide. This act of brutality and vandalism perpetrated by the Armenian perpetrators should be assessed at the same level as the tragedies of Khatyn and Songmi, which progressive humanity has recognised as acts of genocide. The peace-loving people of the world, civilised states, influential

international organisations and the international community must, sooner or later, become aware of this painful truth, and this crime against humanity must receive its due assessment.

Under international law, genocide constitutes an act directed against peace and humanity and is regarded as one of the most serious international crimes. 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 and deprives humanity of the material and moral foundations created by human beings. Such infamous acts are entirely contrary to the purposes and principles of the United Nations.

The legal basis of the crime of genocide was established in 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. By acceding to the Convention, States undertook to take measures to prevent genocide and punish those responsible, recognising that genocide constitutes a crime violating the norms of international law, regardless of whether it is committed in time of peace or war.

During Armenia's aggression against Azerbaijan, all the acts constituting the crime of genocide as set out in the aforementioned Convention were committed.³ The terrorist policy pursued by this occupying country has been taking place before the eyes of the international community for many years. However, under the norms of international law and the principles of the United Nations and the OSCE, the inviolability of State borders must be respected, and violations of territorial integrity and sovereignty are impermissible.

Although the UN Security Council adopted four resolutions calling for the unconditional liberation of Azerbaijan's occupied territories, occupying Armenia has still failed to implement them. Azerbaijan has consistently made efforts to resolve this conflict peacefully. President Heydar Aliyev took courageous steps concerning this vital issue for our country. At the Millennium Summit held at the United Nations in September 2000, Heydar Aliyev expressed his views in favour of peace: "It is impossible to achieve peace and security in the region without resolving the Armenia-Azerbaijan conflict and putting an end to external pressure on the region."

President Ilham Aliyev called upon the United Nations, in his address to the 58th session of the UN General Assembly, not to remain a mere observer to Armenia's aggression against Azerbaijan, and expressed the international community's resolute opposition to the application of double standards in the fight against terrorism. He also succeeded in having Armenia recognised as the aggressor party for the first time in the Council of Europe. The fact that Armenia has kept Nagorno-Karabakh and seven other districts of Azerbaijan under occupation has been reflected in the official documents of the Parliamentary Assembly of the Council of Europe (PACE).

As a result of the Khojaly genocide and other tragedies perpetrated by occupying Armenia in our territories, the rights and freedoms enshrined in the Universal Declaration of Human Rights, the European Convention on Human Rights and other international instruments, including the right to life have been grossly and massively violated, while the honour and dignity of individuals have been trampled upon.

Unfortunately, the Khojaly genocide, which resulted in massive and gross violations of human rights, has still not received a legal assessment at the international level, and decisive measures have not been taken against acts of terrorism and occupation. It is time to think and make decisions in accordance with universal human values and international legal norms, and to put an end to the application of double standards towards individuals and peoples as a whole.

Although numerous appeals have been made to international organisations, both officially and unofficially, concerning the destruction of Khojaly from the face of the earth in a single night, this tragedy is still met with silence and has not been brought to the international agenda.

With great hope, I appeal to the international community, reputable international organisations and the peoples of the world, believing that the long-standing Armenian aggression against Azerbaijan, its policy of terrorism and the massive violations of human rights will be brought to an end; that support will be provided for resolving this painful conflict through peaceful means and negotiations; that the occupied territories will be returned; that the hundreds of thousands of our compatriots who have been turned into refugees and internally displaced persons will return to their homes; and that their constitutional rights will be restored.

We hope that influential international organisations will support Azerbaijan's legitimate position, that justice will soon prevail, and that those responsible for the aggression against our country and the Khojaly

genocide will be held accountable before an international court. The Armenian terrorists who perpetrated the tragedy and those who supported them must be brought to criminal responsibility, and sanctions should be imposed by competent international organisations against the State of Armenia for making genocide a component of its state policy.

We believe that you will assist in mobilising all available means to help ensure peace and security in the territory of Azerbaijan and to restore the violated rights and freedoms of the Azerbaijani people.

Elmira Suleymanova

Commissioner for Human Rights

(Ombudsman) of the Republic of Azerbaijan

20 February 2006

The present statement has been sent to the following organizations:

the Secretary-General of the United Nations, the United Nations High Commissioner for Human Rights, the OSCE, the Council of Europe, the International and European Ombudsman Institutes, and the Asian Ombudsman Association.