

26.02.2007

STATEMENT

of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Ms. Elmira Suleymanova in connection with 14th anniversary of Khojaly Genocide

Azerbaijani people faced terrible disasters in their century-old history. For centuries Armenian nationalists have committed bloody crimes, terrorist acts and genocide actions against Azerbaijani people.

A great number of historical documents prove that hundreds of thousands Azerbaijanis were massacred and deported from their own lands, exposed to ethnic cleansing and genocide by Armenian chauvinists in their historical and ethnic territories, in the Caucasus as far back as 1905-1907, 1918-1920, 1948-1953.

Armenian encroachment on our country since 1988 is the continuation of such a dirty policy.

As a result of aggression and terror policy pursued by Armenians during the last nineteen years, 20 percent of the ancient Azerbaijani lands had been occupied; over 20 thousand people were killed, more than 50 thousand persons were injured and maimed. As a result of the military aggression many Azerbaijani servicemen became prisoners of war, civilians were taken hostage. Over one million Azerbaijanis became refugees and IDPs, the economy of the country incurred losses over \$ 60 billions.

Lack of necessary measures to be taken by the USSR leadership, which did not give any political assessment to the demonstrations staged by the Armenians since February 1988, claiming integration of Nagorny Karabakh into Armenia, lead to escalation of the situation in Nagorny Karabakh and surrounding districts, demolition and burning of the villages populated with the Azerbaijanis and murder of the people in a short period of time. Slaughters committed by Armenian chauvinists in Malibayli, Gushchular, and Garadaghli villages were a warning for Khojali, which was situated on the front line of the war.

Town of Khojaly became the next target of the aggressive military groups. The crime committed in Khojaly by the Armenian armed groups together with the 366th motor-rifling regiment of former USSR troops fifteen years ago was one of the unprecedented events in the history of wars. A lot of heavy military equipment of this regiment entered the town in three directions. The people of Khojali, who defended the town bravely and fought with light weapons in their hands, couldn't withstand the well armed military groups. Dwelling houses were destroyed and set on fire. Peaceful civilians, obliged to leave the town and fleeing to Agdam along the Gargar River, encountered Armenian forces near Nakhchivanik village and real genocide was committed. Children, women, elderly and disabled people were ruthlessly massacred. Perpetrators of the genocide murdered the Khojali people with unprecedented cruelty, burned them alive, skinned off their skulls and pulled out their eyes.

Khojaly tragedy -- the genocide committed by Armenian aggressors against the Azerbaijani people put an end to lives of 613 people, including 106 women, 63 children, 70 old people. 487 people were injured, 275 civilians were taken captive, and 150 persons went missing.

As a result of this act of genocide some families were completely exterminated, civilians were killed with unbelievable cruelty, the corpses were mutilated and the captives were subjected to severe torture.

On that horrible night, when innocent children, women and elderly were massacred and a large town was razed to the ground, terrifying tragedy and sheer act of genocide took place in the history of humanity. During the genocide fundamental rights of our compatriots and in particular their rights to life were massively violated.

The sheer fact that these deeds were elaborated in advance and aimed at total or partial extermination of people on the ground of their national origin confirm that these acts constitute a genocide under international and domestic law. This act of vandalism and brutality committed by the Armenian aggressors should be estimated on the same level as Khatin and Songmi tragedies recognized by the good-will mankind as mere genocide. The crime committed against the mankind must receive the recognition it deserves.

Under the international law, genocide is defined as an act committed against peace and humanity and considered to be the gravest international crime. UN General Assembly Resolution 96 (I) of 11 December 1946 reads that genocide, through rejecting the groups' right to life, degrades human dignity, deprives the mankind of the material and spiritual supports created by human beings. Such odious acts are completely contrary to the spirit and aims of the United Nations. United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted by Resolution 260(III) of the UN General Assembly of 9 December 1948 and which entered into force in 1951 provides legal framework of the crime of genocide. The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

During Armenian aggression against Azerbaijan all acts defining the crime of genocide as such under this Convention were committed. The terrorist policy pursued by this occupant country is carried out for many years in the face of world community. However under international law, and the principles established by UN and OSCE, inviolability of state borders is to be respected, and trespass to the territorial integrity and sovereignty is impermissible. Notwithstanding adoption of four Resolutions of the UN Security Council calling for unconditional liberation of occupied lands, aggressive Armenia is still unwilling to fulfill these requirements.

Azerbaijani side seeks peaceful resolution of the conflict. The President Heydar Aliyev had taken courageous steps towards settlement of this vital problem of Azerbaijan, explained the main point of Khojali genocide, and in February 1994 Milli Majlis (Parliament) of the Azerbaijan Republic gave legal and political recognition to the Khojali genocide.

In his speeches on the world's influential tribunes, President Ilham Aliyev called upon the international organizations not to remain indifferent to the Armenian aggression against Azerbaijan, and expressed his concern over the dual standards admitted with respect to this problem by the international community fighting terrorism. For the first time the country president achieved Armenia's recognition as an aggressive state by the Council of Europe; the fact that Nagorny Karabakh and 7 surrounding districts are under Armenian occupation has been reflected in the official documents of Parliamentary Assembly of Council of Europe.

At present Azerbaijan administration strives for the solution of Nagorny Karabakh conflict in conformity with the norms of International Law, for restoration of the territorial integrity and sovereignty of Azerbaijan and for repatriation of refugee and IDPs. International organizations

and the leading countries of the world are informed of the roots, causes and effects of the conflict. Khojali tragedy is discussed at the parliaments of the world's largest countries, its details is made public. A number of international organizations, Heads of States and Parliaments recognize Armenia as an aggressive country and demand to return the occupied territories of Azerbaijan.

As a result of Khojaly genocide and the other tragedies committed by Armenia in our territories, the rights and freedoms, including the right to life, prescribed in the Universal Declaration on Human Rights, as well as European Convention for the Protection of Human Rights and Fundamental Freedoms and in other international treaties had been violated, people had been subjected to outrages upon personal dignity, in particular humiliating and degrading treatment. The consequent events show that, unfortunately, Armenian chauvinists didn't give up their evil intentions. Armenian chauvinists, who massacred peaceful population ruthlessly, use different methods to disguise their crimes before the history, try to falsify the history, to write it for their benefit and rely on Armenian lobby abroad in this matter.

Unfortunately, Khojaly genocide characterized with gross violations of human rights has not received legal recognition at the international level yet; no concrete measures have been taken against the terrorist and aggressive acts. It is time to think and to make decisions in accordance with universal values and international legal norms.

Appealing with great hope to the world community and influential international organizations, I believe that the long-term Armenian aggression and mass human rights violations will be put an end, support will be given for peaceful solution of this painful conflict through negotiations, occupied territories of Azerbaijan will be returned, hundreds of thousands refugees and IDPs will be repatriated to their native lands and their constitutional rights will be restored.

We do hope that the international organizations will back up Azerbaijan's fair position; Armenian terrorists, who have committed Khojali genocide, as well as their supporters, will be held criminally liable and the competent international organizations will impose sanctions on Armenia.

Elmira Suleymanova

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



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The Statement is addressed to the Secretary-General of the United Nations, United Nations High Commissioner for Human Rights, OSCE, Council of Europe, International Ombudsman Institute, European Ombudsman Institute and Association of Asian Ombudsmen.