

STATEMENT

of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Ms. Elmira Suleymanova in connection with 17th anniversary of Khojaly Genocide

17 years have passed from the Khojaly genocide - one of the bloodstained pages of human history. Revealing insidious trait of procreators of the tragedy once again and informing world community about Armenian vandalism and Azerbaijan truth in the days of the next anniversary of this horrible event assume great importance.

The main goal of the long term aggression and ethnic cleansing policy of Armenian chauvinists was to banish Azerbaijanis from their historical lands and establish "Great Armenia" there. A great number of historical documents prove that hundreds of thousands of Azerbaijanis were massacred and deported from their own lands in the Caucasus in 1905-1907, 1918-1920 and 1948-1953.

Lack of necessary measures to be taken by the Soviet leadership, which did not give any political assessment to the demonstrations staged by the Armenians since February 1988, claiming annexation of Nagorno-Karabakh to Armenia, lead to the occupation of 20% of Azerbaijani lands, including Nagorno-Karabakh and surrounding districts. Over 20,000 people were killed, more than 50,000 people were injured, became disabled, some Azerbaijani soldiers became prisoners of war and civilians were taken hostage, one million Azerbaijanis are leaving in their homeland as refugees and IDPs.

The crime committed in Khojaly by the Armenian armed forces together with the 366th motor-rifling regiment of former Soviet troops 17 years ago on the night from 25 to 26 February was one of the unprecedented events in the history of both Nagorno-Karabakh and the world wars due to the horrible results. A lot of heavy military equipment of this regiment, based in Khankendi, including officers of the Armenian nationality, entered the town in three directions, destroyed and burned down the houses and social infrastructure. Peaceful civilians forced to leave the town in panic encountered Armenian forces near Nakhchivanik village and were killed. Children, women, elderly and disabled people were ruthlessly massacred; perpetrators of the genocide burned the Khojaly people alive with unprecedented cruelty, skinned off their skulls and pulled out their eyes. The Khojaly tragedy - the act of genocide committed by Armenian aggressors against the Azerbaijani people, put an end to the 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 captives were subjected to severe torture. Fundamental human rights of these people, as well as the right to life, were grossly violated.

According to 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 values 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, 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 punish.

The fact that the crimes during the Khojaly events was planned in advance and aimed at total or partial annihilation of people on the ground of their ethnic origin confirms that these acts constitute the crime of genocide under international and domestic law. This act of vandalism and brutality committed by the Armenian aggressors should be considered at the same level as the tragedies of Khatin and Songmi, and should be assessed as a crime against humanity.

At the same time during the Armenian aggression against Azerbaijan all acts that are the basis of the crime of genocide enshrined in the abovementioned Convention were used. The genocide policy has been realized before the eyes of the world community for years. However, inviolability of borders should be respected; violation of territorial integrity and sovereignty is unacceptable.

Occupied Nagorno-Karabakh and surrounding districts are integral part of Azerbaijani territory and UN Resolutions 822, 853, 874, 884, UNGA Resolution titled "Situation on the occupied territories of Azerbaijan" dated March 14, 2008, Resolutions 1416 and 1669 of the Parliamentary Assembly of the Council of Europe (PACE) confirming the occupation of Azerbaijani territories by the Armenian military forces, and governing of Nagorno-Karabakh by separatists prove the abovementioned facts once again.

It has to be noted that the Armenian side tries to associate its refusal to free the occupied Nagorno-Karabakh territories with the principle of self determination of nations.

Being the universal principle of international law, this provision was reflected in some of international legal documents, as well as in the UN Statute, 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples, 1966 International Pacts on Human Rights Final Helsinki Act, and in some decisions of International Court of UN.

It has to be noticed that in the context of the mentioned principle and international law in general, the conception of "nation" does not cover any national or ethnic group, but all the people of a state. Only a nation is the carrier of this law. Consequently, a part of nation or national minorities don't possess this right and it was unanimously confirmed by the international law. Besides, realization of this right can not be a reason for occupying territories or changing borders of any state. The above mentioned right can not be attributed to the Armenians living in Nagorno-Karabakh - integral part of the Republic of Azerbaijan, as they have the status of national minority.

Armenian aggression has negative influence on stability, peacebuilding and development processes in the South Caucasus. While thousands of Armenians live in Azerbaijan in the atmosphere of respect for diversity, national, religious tolerance, Armenia violated the norms of international law, created a monoethnic state and peaceful Azerbaijanis including children, women and elderly and disabled people, were forced to leave the country which they were citizens of on a mass scale, being exposed to violence, degrading treatment and punishment as a result of an ethnic cleansing policy.

The Azerbaijani side seeks a peaceful solution to the conflict. President Heydar Aliyev had taken courageous steps towards settlement of this vital problem of Azerbaijan, explained the main point of the Khojali genocide, and in February 1994 Milli Majlis (Parliament) of the Azerbaijan Republic gave legal and political recognition to this event. President Ilham Aliyev achieved recognition of Armenia as an aggressive state by the Council of Europe for the first time, the fact that Nagorno-Karabakh and 7 surrounding districts are under Armenian occupation has been reflected in the official documents of the Parliamentary Assembly of the Council of Europe. The long term activity of the OSCE Minsk Group as a mediator in the direction of peaceful resolution of the conflict has not given any results.

At present, the tragedy of Khojaly is an agenda item for discussion in the Parliaments of several states, a number of international organizations consider Armenia

as an occupying state and urge it to withdraw forces from the Azerbaijani territories and restore territorial integrity.

Unfortunately, the 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 acts.

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

We hope that the Armenian terrorists, who have committed aggression against our country and genocide in Khojali, as well as their supporters, will be brought to criminal responsibility. Efforts of international organizations towards this conflict resolution should be realized without double standards, Armenia should implement the provisions of international documents adopted in connection with this conflict by taking off its hand from an occupying and aggressive policy, territorial claims, Azerbaijan's territorial integrity, the violated rights of refugees and IDPs should be restored and they should return to their lands, captives and hostages should be set free, competent international organizations should 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, the Special Representative of the Secretary General for children and armed conflicts, United Nations High Commissioner for Human Rights, OSCE, Council of Europe, International Ombudsman Institute, European Ombudsman Institute and Association of Asian Ombudsmen, International Peace Bureau, International Peace Federation, embassies of Azerbaijan abroad, as well as the foreign embassies in Azerbaijan, ombudspersons and organizations of Azerbaijani Diaspora.