

## STATEMENT

### **of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Ms. Elmira Suleymanova in connection with the 19<sup>th</sup> anniversary of the Khojaly Genocide**

19 years have passed from the Khojaly genocide - one of the bloodstained pages of human history. On the eve of this terrible event, revealing the insidious acts of the perpetrators of the crime, delivering the information on Armenian vandalism and the truth of Azerbaijan to world community is of great importance. The Khojaly genocide, which was a part of Armenian aggressive policy against Azerbaijan and resulted in mass violation of the norms and principles of international law, human rights and freedoms, is another terrible example of ethnic cleansing and genocide policy carried out by the Armenian nationalists and their supporters against Azerbaijan lasting for long years.

The Republic of Armenia not being exposed to any kind of sanctions for the crimes it has committed at the international level became more ungovernable.

As the Soviet leadership did not give any political assessment to the demonstrations staged by the Armenians since February 1988, claiming annexation of Nagorno-Karabakh to Armenia, it led to the occupation of 20% of Azerbaijani historical lands, including Nagorno-Karabakh and surrounding seven districts. As a result, over 20,000 people were killed; more than 50,000 people were injured and became disabled; many Azerbaijani soldiers became prisoners of war and civilians were taken hostage; up to now one million Azerbaijanis are still living in their homeland as refugees and IDPs.

The crime committed in Khojaly by the Armenian armed forces together with the 366<sup>th</sup> motor-rifling regiment of former Soviet troops in Khankandi 19 years ago on the night from 25 to 26 February was one of the unprecedented events not only in the history of Nagorno-Karabakh war but also of the world wars due to its horrible results. A lot of heavy military equipment of this regiment consisting also of Armenian officers entered the town from three directions; "Alazan" typed military installations destroyed and burned down the houses and social infrastructure. The perpetrators annihilated Azerbaijanis who were forced to abandon the town in horror not even providing the corridor for them to leave the city.

Children, women, the aged 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 life of 613 people,

including 106 women, 63 children and 70 old people. 487 people were injured, 1275 civilians were taken captive, and 150 persons were missing. Fundamental human rights, basic right - right to life, of Azerbaijanis were violated in a mass scale.

This mass violation of human rights should be assessed as a new stage of purposeful policy targeted at the independence and sovereignty of Azerbaijan. This savagery has no analogues in the history of humanity for unbelievable cruelty and inhuman punishment methods.

Thus, according to international law, genocide is defined as an act committed against peace and humanity and considered to be the gravest international crime. The UN General Assembly Resolution 96 (I) of 11 December 1946 enshrines that genocide, through rejecting the right of people to life, degrades human dignity, and 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.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted by the Resolution 260(III) of the UN General Assembly of 9 December 1948, which entered into force in 1951, provides legal framework for the crime of genocide. The Contracting Parties confirmed that genocide, whether committed in time of peace or war, is a crime under international law which they undertook to prevent and punish.

The fact that the crimes during the Khojaly events were 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 level of Khatin and Songmi tragedies and recognized as a grievous 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, according to the universal norms of international law, inviolability of borders should be respected; violation of territorial integrity and sovereignty is unacceptable.

The Convention on Prevention of Genocide and Punishment and other relevant international legal acts give legal ground for recognizing Khojaly tragedy as a genocide.

Occupied Nagorno-Karabakh and surrounding districts are integral part of the Azerbaijani territory, and the UN Resolutions 822, 853, 874, 884, UNGA Resolution titled "Situation on the occupied territories of Azerbaijan" from 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.

Today, when all progressive humanity and nations strive for peace as well as development, Armenia carries out the policy of ethnic cleansing, terror and violence. Consequently, this has a negative impact on stability, peacebuilding and development processes in the South Caucasus and Europe.

The Azerbaijani side seeks a peaceful solution to the conflict. National Leader Heydar Aliyev explained the essence of the Khojaly genocide, and in February 1994 the Milli Majlis (Parliament) of the Republic of Azerbaijan gave legal and political recognition to this tragedy.

Recently, the prestige of our country is increasing at international organizations and at the Council of Europe.

President Ilham Aliyev yet being a head of the Azerbaijani delegation in the Council of Europe Parliamentary Assembly regularly focused on aggressive position of Armenia. As a result, the fact of the occupation of Nagorno-Karabakh and 7 surrounding districts by Armenia was reflected in the official documents of the Parliamentary Assembly of the Council of Europe for the first time. In the PACE Resolution 1416 this organization, which covers all countries of Europe, recognised Armenia as an aggressor. In the Resolution it is noted that Armenia should withdraw its military forces from the occupied Azerbaijani territories, conditions should be created for one million Azerbaijani refugees and IDPs to return to their native lands. Unfortunately, there is no progress in the implementation of the Resolution; Armenian side doesn't follow the requirements.

Recently, the PACE Bureau adopted a decision with regard to restoration of the activity of the sub-committee that had been established once but later on stopped functioning. Moreover, a new chief of the sub-committee, who will report to PACE, was elected. We hope that the activity of the committee will facilitate the implementation of the resolution of Nagorno-Karabakh conflict and will deliver the truth about the conflict and Khojaly massacre to the world community.

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 aggressor and urge it to withdraw military forces from the Azerbaijani lands and restore the country territorial integrity. The event entitled "IDPs in Azerbaijan: from Nagorno-Karabakh – Khojaly to Baku" was conducted in the European Parliament. Human Rights with Borders

delegation to Azerbaijan prepared report on the situation of IDPs from Khojaly and humanitarian problems encountered by them.

Diasporas of Azerbaijan in different countries organize mass demonstrations and other ceremonies in order to inform the world community about the essence of the Nagorno-Karabakh conflict between Armenia and Azerbaijan, the truth of the series of terror acts committed against our nation as well as about the Khojaly tragedy.

On the occasion of the 19<sup>th</sup> anniversary of the Khojaly massacre, remembrance week of Khojaly will be co-organised by the Azerbaijan-America Council and Toronto University in North America, as well as round tables, debates and remembrance conferences will be held in San-Francisco, Washington and New-York on 18-26 February.

The “Justice to Khojaly” campaign launched on the initiative of the Organization of the Islam Conference Youth Forum in 2008 is continued by thousands of volunteers in more than thirty countries. The aim of the movement is to inform the world community about this tragedy and ensure political-legal recognition of the massacre. It should be noted that at the VI session of the Parliamentary Union of the Organization of Islamic Conference Members States in Kampala, Uganda the Khojaly tragedy was recognized as a crime against humanity, and special Resolution was adopted in this respect.

In 2011 the acting chairperson of the OSCE and the Minister of Foreign Affairs of Lithuania supported the territorial integrity of Azerbaijan, noted that the resolution of long-term conflicts, including Nagorno-Karabakh conflict, is the priority of the OSCE, and efforts would be put forth for solution of this problem. The long term activity of the OSCE Minsk Group as a mediator for peaceful resolution of the conflict has not given any results yet and the organization is being criticized in this respect.

In his article, published in “The National Interest” journal of the USA Carnegie Foundation on the occasion of the 19<sup>th</sup> anniversary of Khojaly massacre, well-known expert on Karabakh from Britain noted present authority of Armenia also participated in the process of Khojaly massacre, tragedy victims have the right for remembrance and for justice.

Now, the world community admits the justified position of the Azerbaijani side that its territories were occupied and Nagorny Karabakh belonging to Azerbaijan is practically out of its control and supports the restoration of territorial integrity.

The fact that the Khojaly genocide followed by 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 provoke regret.

Efforts of international organizations towards the resolution of this conflict should be realized according to the norms and principles of international law without double standards. Sanctions should be imposed on Armenia by competent international organizations. Armenia should renounce its territorial claims and implement the provisions of international documents adopted in connection with this conflict as well as should stop occupation and aggression. Azerbaijan's territorial integrity, the violated rights of refugees and IDPs should be restored and they should return to their native lands, captives and hostages should be liberated.

**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, European Commission, Council of Europe, Council of Europe, OSCE, International Ombudsman Institute, European Ombudsman Institute and Asian Ombudsman Association, International Peace Bureau, International Peace Federation, ombudspersons of foreign countries, embassies of Azerbaijan abroad, as well as the foreign embassies in Azerbaijan, and organizations of Azerbaijani Diaspora.