

STATEMENT

of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Ms. Elmira Suleymanova regarding the 20th anniversary of the Khojaly Genocide

20 years have passed from the Khojaly genocide which was a part of Armenian aggressive and genocide policy against Azerbaijan, resulted in mass violation of the norms and principles of international law, human rights and freedoms and one of the bloodstained pages of human history. This tragedy is another terrible example of ethnic cleansing and genocide policy carried out by the Armenian nationalists and their supporters against Azerbaijanis lasting for two hundred years.

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 by military forces of Armenia. 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; our nation encountered unprecedented humanitarian crises, up to now one million Azerbaijanis is still living 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 in Khankandi 20 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; the houses and social infrastructure were destroyed and burned down. The perpetrators annihilated Azerbaijanis who were forced to abandon the town in horror not even providing the corridor for them to leave the city.

During Khojaly genocide committed by Armenian aggressors against the Azerbaijani people, 613 people, including 106 women, 63 children and 70 old people were killed within some hours. 487 people were injured, 1275 civilians were taken captive. The fate of 150 of persons who have gone missing still is unknown. During that genocide eight families were totally exterminated, 25 children were deprived of both, 130 children were deprived of one parent, civilians were killed with savagery, captives and hostages were subjected to merciless torture. 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. Fundamental human rights, basic right - right to life, of Azerbaijanis were violated in a mass scale.

This gross human annihilation committed by the Republic of Armenia not being exposed to any kind of sanctions for the crimes of human rights should be assessed as a new stage of purposeful policy targeted at the state independence, sovereignty, territorial integrity, as well as the savagery and genocide which doesn't have analogue in human history due to the 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 and universal values.

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 genocide 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 recognized as a grievous crime against humanity. Furthermore, 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 witnessed by 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 the Prevention and Punishment of the Crime of Genocide and other relevant international legal acts provides the legal ground for recognizing Khojaly tragedy as genocide.

Occupied Nagorno-Karabakh and surrounding seven rayons 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.

Election of Azerbaijan to the non-permanent membership of the UN Human Rights Council is a significant event in the history of Azerbaijan. Moreover it once more prove that the reputation of Azerbaijan which marked 20th anniversary of its independence, increased, and its place in the world community was strengthened.

However, 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.

The President of the Republic of Azerbaijan Ilham Aliyev issued Order on Commemorating the 20th Anniversary of the Khojaly genocide. In the Order it is stated that despite the resolutions and decisions of the United Nations Security Council, the Parliamentary Assembly of the Council of Europe and several international organizations on the settlement of the Armenian-Azerbaijani conflict over Nagorno-Karabakh and a search for an objective solution to the problem within the framework of the territorial integrity of our country, the talks held within the framework of the OSCE Minsk Group have not yielded any result. It is specially highlighted that the truth about the Khojaly genocide, which is part of the policy of ethnic cleansing being consistently implemented by Armenian chauvinist circles against the Azerbaijanis in the 19-20th centuries, must be communicated to the world and foreign parliaments. This heinous war crime against the Azerbaijani people and humanity in general must receive a political and legal assessment on an international scale. Under the Order it was decided to task the Presidential Administration of the Republic of Azerbaijan with preparing an action plan to mark the 20th anniversary of the Khojaly genocide and ensuring its implementation.

In the framework of Munchen Security Conference, during the meeting with U.S. Secretary of State Hillary Clinton, other officials, as well as in the meeting of the Presidents of Azerbaijan, Russia and Armenia in Sochi the country President had exchange of views with regard to peaceful resolution of Armenian-Azerbaijan Nagorny-Karabakh conflict and highlighted the importance of strengthening the efforts in this regard.

Today, when nations and all progressive humanity 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.

In the Resolutions 1416 adopted by PACE, Armenia was recognized as the invader by the organization covering all European countries. 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.

A year ago 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. Sub-committee facilitates to resolution of Nagorny-Karabakh conflict, as well as to delivering the truth about Khojaly genocide to world community. The Sub-committee once more confirmed the territorial integrity and sovereignty of the Republic of Azerbaijan recognized by international community, claimed to fulfill the Resolutions of the UNGA and Security Council on immediate, unconditional withdrawal of Armenian armed forces from the occupied Azerbaijani territories, called Armenia to fulfill these decisions by addressing international organizations.

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 call upon Armenia to withdraw its military forces from the occupied Azerbaijani lands and restore the country territorial integrity. Recently, the document on Khojaly Genocide signed by the European Parliamentarians, was adopted as the Statement of PACE. After being declared by the president of PACE Jean-Claude Mignon the document was disseminated among the Parliamentarians. Under the Statement of PACE it is stated that "Khojaly genocide is one of the horrible and tragic pages, as well as inhuman and mass acts in the history of Azerbaijan mankind.

In the Document it is specially noted that the Armenian armed forces together with the 366th motor-rifling regiment of former Soviet troops occupied Khojaly city of Azerbaijan and committed genocide against civilians on the ground of their ethnic origin. Parliamentarians who signed the statement urged the CoE, PACE and other international organizations and world community to condemn this inhuman and cruel crime, and to give legal, political assessment to the bloody event committed against mankind.

Resolutions were adopted in the Mexican Senate On November 4, 2011 and in the Chamber of Deputies on December 8. The resolutions say that on February 26, 1992 Armenian armed forces attacked the civil population of Khojaly town of Azerbaijan and killed hundreds of people on the ground of their ethnic origin during the event that called by the international human rights organizations as a genocide. The resolution says although years have passed since the massacre committed in Khojaly, the victims of the genocide have not yet achieved justice and it shows that the central element for the peace agreement must be found soon, as

well as relations between the people must be restored and harmony must be established between the two societies as soon as possible.

The "Justice to Khojaly" Campaign launched on the initiative of the Organization of the Islam Conference Youth Forum was once more supported. The campaign is being conducted in more than 35 countries. The aim of the campaign is to inform the world community about this tragedy and ensure political-legal recognition of this crime. It should be noted that at the 7th Session of the Parliamentary Union of more than 51 Member states of Organization of the Islamic Cooperation Conference held in Palembang (Indonesia), special Resolution was adopted. The Resolution says that the Conference calls upon the Parliaments of Member States to initiate a proper recognition to the genocide act against Azerbaijani civilians by Armenian forces in the town of Khojaly and demands bringing to justice the perpetrators of the Khojaly genocide"

The efforts of the Republic of Azerbaijan aimed at peaceful resolution of Nagorny-Karabakh conflict are supported.

On 1 February, 2011 after the hearings on "Pakistan-Azerbaijan Relations", the Senate Committee on Foreign Relations of Pakistan approved a Resolution condemning the occupation of the 20 percent of territories of Azerbaijan and the genocide against Azerbaijani civilians committed by Armenian armed forces in the Azerbaijani town of Khojaly on 26 February 1992.

Touching upon the Armenian-Azerbaijan Nagorny Karabakh conflict, the Chairman of the National Assembly of Korea, Park Hee-tae emphasized the support of his country to the efforts of Azerbaijan to bring peace to the region and the activity in this regard. He also noted the Korean parliament will investigate Khojaly genocide.

Sinan Ogan, the parliamentarian of Turkey submitted the Turkish parliament the bill on the recognition of Khojaly genocide. He also noted proposals on establishing Khojaly Genocide Memorial in Ankara and on giving the name of "Khojaly" to one of the central streets will be discussed at the Parliament.

It should be noted the legislation adopted in French Parliament on criminalizing the denial of so-called Armenian genocide, is the violation of human rights, the norms of international law. The fact that this law confines freedom of speech is confessed and protest by the most international organizations of the world. The decision of French Senate, which recognizes the right to freedom of expression and speech, is in contradiction with fundamental human rights and freedoms.

Falsification of history with intent of political interests is absolutely inadmissible. It is not accidental that PACE condemned the decision on “Armenian genocide”, the president Jean-Claude Mignon said he is against the adoption of this draft law which was put forward by a group of deputies of the French National Assembly. He also added writing history is not the business of lawmakers and it should be researched by historians. The PACE President signed a petition to be sent to French Constitutional Council in protest to the above mentioned Law. JC Mignon said he attaches great importance to relations and the trust between CoE and Azerbaijan.

72 senators have already signed and addressed an appeal with regard to the law to French Constitutional Council. The world community is looking forward the decision of the Council whether that law corresponds with the Constitution or not. It is noteworthy that by demonstrating fair position during the discussion of the law criminalizing the denial of so-called Armenian genocide, the President of the Republic of Azerbaijan Ilham Aliyev met with deputy chairperson of the France-Caucasus Friendship Group, head of the French-Azerbaijani Working Group, Senator Mrs. Nathalie Goulet and the accompanying delegation. During the meeting the President noted the law is an initiative, which distorts the history, contradicts democracy and freedom of speech and is based on false information would not come into force.

The CoE Secretary General Thorbjørn Jagland and the CoE Human Rights Commissioner Thomas Hammarberg said it is a wrong approach to the issue from the French Senate and it restricts freedom of speech.

Diasporas of Azerbaijan in different countries organize mass demonstrations and other events 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 the 20th anniversary of Khojaly genocide. Moreover, remembrance days of Khojaly, round tables, debates and remembrance conferences are being conducted.

Now, the world community admits that position of the Azerbaijani side is justified, 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 strengthened according to the norms and principles of international law without double

standards. The tragedy should be recognized as a genocide act, sanctions should be imposed on Armenia by competent international organizations. Armenia should renounce its territorial claims and implement the provisions of international legal acts 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

The Statement is addressed to the Secretary-General of the United Nations, United Nations Security Council, United Nations High Commissioner for Human Rights, European Commission, 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.