

STATEMENT

by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan, Ms. Elmira Suleymanova regarding the 21st anniversary of the Khojaly Genocide

Throughout the history, Armenian nationalists committed bloody crimes, terror acts and genocide against Azeri people. A great number of historical evidences show how Armenian separatists massacred and time-to time deported thousands of Azeris from their own lands in their historical territories in the Caucasus by committing ethnic cleansing and genocide.

As the Soviet leadership did not give any political assessment to the demonstrations by Armenians since February 1988, claiming annexation of Nagorno-Karabakh to Armenia, it resulted with to the occupation of 20% of historical Azerbaijani 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 Azeri soldiers became prisoners of war and civilians were taken hostage; our nation encountered unprecedented humanitarian crises, up to now one million Azerbaijanis are being still lived in their homeland as refugees and IDPs.

20 years ago on the night from 25 to 26 February, the crime committed in Khojaly by Armenian armed forces together with the 366th motor-rifling regiment of former Soviet troops in Khankandi 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 *Azeris* who were forced to flee from the town in horror not even providing the corridor for them to leave the city.

In Khojaly genocide committed by Armenian aggressors against the Azeris, 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 Azeris were *massively* violated.

This gross human massacre committed by the Republic of Armenia that not being subjected to any kind of sanctions should be assessed as genocide 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, *violating* 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, that this year is 65 anniversaries, 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.

Within long years, the genocide policy by this invader state, happen in front of the international community. However, under the recognized international legal norms, the immunity of state borders must be respected, violation of territorial integrity and sovereignty are unacceptable. The Convention on Prevention and Punishment of Crime of Genocide and other related international legal norms give legal base to Khojaly tragedy to be recognized 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 UN Security Council as a non-permanent member, our country had its own voice to be heard in this reliable organization. This once more proved the increasing international image and strengthening its place in the international community of our country.

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.

In international events and meetings with officials, Presidents of Azerbaijan Ilham Aliyev exchanged views towards settlement of Azerbaijani-Armenian conflict over Nagorno-Karabakh peacefully and underlined resolutely the necessity of such a settlement to be happen in the frame of integrity of Azerbaijani territories as well as deployment of occupier forces from the Azerbaijani territories.

Today, when people and all progressive mankind strive for peace, tranquility and development, Armenia, unfortunately, is still continued policy of ethnic cleansing, terror acts and violence, and therefore, negatively affects peace-building and stability processes in the whole Southern Caucasus and Europe.

The Azeris, living in the US, have posted a petition to the website of the Whitehouse for recognition of the Khojaly massacre and its victims. Simultaneously, the Azerbaijani-American Council (AAC) and Pax Turcica Institute are also holding a letter campaign for recognition of the tragedy. Every year, the Azerbaijani Diaspora organizations in the US, send letters to the Congress and Federal Government condemning this cruel crime and are published in local mass media.

These days, the Senate of New Mexico State and State of Arkansas House of Representatives - the US adopted a resolution recognizing recognized the Khojaly tragedy. In the Resolutions approving massacre of Azeri people states widely also about massacre committed by Armenian armed forces during occupation

and savagely killing of civilians, including children, women and the elderly and demands subjecting of perpetrators to the liability. The documents states many civilians bodies found in Khojaly after the fight were disfigured and mutilated, making this one of the most inhumane and barbaric battles of the war.

This should be reminded that Khojaly tragedy was recently recognized also by legislatures of the Texas, New Jersey, Georgia and Maine States.

Declaring from the US Congress, the representative of the Tennessee State, Steve Coen and the US Congressman of Oklahoma in the House of Representatives, Dan Boren underlined that in Khojaly, civilians were torture killed by Armenians, whilst trying to flee from the attacked place. These days, in his speech in the Congress, the Congressman Bill Shuster of Pennsylvania in the House of Representatives noted that Khojaly, a town in the Nagorno-Karabakh region of Azerbaijan with seven thousands of population, now under the control of Armenian forces, was the site of the largest killing of ethnic Azerbaijani civilians.

This should noted that an international observer-Human Rights Watch described the Khojaly Massacre committed by the ethnic Armenian armed forces, reportedly with the help of the Russian 366th Motor Rifle Regiment, as “the largest massacre to date in the conflict over Nagorna-Karabakh.

The efforts of the Republic of Azerbaijan aimed at peaceful resolution of Nagorny-Karabakh conflict are supported. The Senate of Islamic Republic of Pakistan approved a Resolution condemning the occupation of the 20 percent of territories of Azerbaijan and National Assembly of Korea emphasized support of the country to the efforts of Azerbaijan to bring peace to the region and the activity in this regard.

This also should be noted that Khojaly tragedy was recognized as an act of genocide and crime against humanity at the 12th session of the Islamic Summit Conference, the highest body of the of the Organization of Islamic Cooperation (OIC), held with the participation of 57 OIC leaders in Cairo. This decision was expressed on the base of consensus by all member states at the Final Communiqué of the Summit Conference.

The “Justice to Khojaly” Campaign launched on the initiative of the OIC Youth Forum currently are being carried out in about 40 countries of the world and the aim of the campaign is to inform the world community about this tragedy and ensure political-legal recognition of this crime. In the frame of the campaign of the 21st anniversary of the tragedy, string of events will be held at the University of Masaryk and Brno University of Technology in the Check Republic.

This should be noted with regret that Armenia instead of giving up its aggressive policy lasted over 20 years; now makes various provocations as well as blackmails to violate the airspace of Azerbaijan. This invader state attempts carrying out flights from the airport that was built in occupied Khojaly in Nagorno-Karabakh. Though of repeated criticize of this issue, which will hinder the settlement of the conflict through diplomatic ways and lead to dangerous consequences, by the international community and reliable international organizations, Armenian side did not stop its dirty goals. Whilst approaching this issue, the Head of the EU Representation in Baku, Roland Kobia expressed that the European Union is against any steps that would create tension in the Armenia-Azerbaijan conflict over Nagorno-Karabakh and supports the settlement of the conflict within the norms and principles of international law.

These days, French senators Natalie Goulet, Juan Mari Bokel, Andre Rexar, and Jani Lorju expressed their objection to attempt of Armenia to organize flights through airport in Khojaly, estimated this as violation of all international legal norms, which will slow down the peace process, and that city of Khojaly is internationally recognized territory of Azerbaijan.

The deputy of the German Bundestag, Former Federal Minister of Economy, Michael Glos expressed that the purpose of Armenia in re-opening of Khojaly airport that lead to provocations is to strengthen its claim to Nagorno-Karabakh and that a resolution of the conflict over the occupied regions would be a tremendous contribution to stability and security. Other deputies of the Bundestag Olav Gutting and Marco Wanderwitz approaching this issue emphasized that the Nagorno-Karabakh is an integral part of Azerbaijan and if Armenia opens Khojaly airport, it would obstacle peaceful solution of the conflict.

The British Parliament member, Chris Pincher stated that “legally, Khojaly airport cannot operate, as unauthorized flights through Azerbaijani airspace are not permitted without that government's sanction...”.

If Armenia organizes flights through the airspace of Azerbaijan without permission of the official Baku, it would violate international law, including several provisions of the Chicago Convention on international civil aviation law.

The international community supports the territorial integrity of our country and accepts that Azerbaijani territories are occupied. Nagorno-Karabakh is taken from his control by force. This makes anger and regret that Khojaly genocide is still not given legal assessment at international level and terror acts have not been taken any preventive measures. 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**

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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, 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.