

25 February 2005

Statement by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the occasion of the 13th anniversary of the Khojaly Genocide

In the 20th century, the events resulting from Armenia's aggression against Azerbaijan and its continuous policy of systematic genocide, which represented some of the most horrific manifestations of violence against people, inhuman treatment and torture, were accompanied by massive violations of human rights and freedoms.

As a result of Armenia's occupation policy, which had continued for 17 years, 20 percent of Azerbaijan's ancestral territories had been occupied; more than 20,000 of our compatriots had been killed, while more than 50,000 people had been wounded, disabled or otherwise injured. More than one million of our compatriots had become refugees and internally displaced persons. Hundreds of residential settlements, up to 6,000 industrial and agricultural enterprises, and more than 4,000 social and cultural facilities, including approximately 700 schools, as well as museums and libraries, had been destroyed, causing more than US\$22 billion in damage to the country's economy.

The failure of the then leadership of the USSR to take the necessary measures and to give any political assessment to the demonstrations that began in February 1988 with calls by Armenians for the incorporation of Nagorno-Karabakh into Armenia resulted, within a short period of time, in the destruction and burning of the ancestral settlements inhabited by Azerbaijanis in the territory of Nagorno-Karabakh and the killing of their population.

The occupying military formations directed their next attack towards the city of Khojaly, located on the frontline of the war. On the night of 25–26 February 1992, the armed forces of the Republic of Armenia, local Armenian armed groups in Nagorno-Karabakh, and the 366th Motor Rifle Regiment of the former Soviet Army completely destroyed the city of Khojaly, an integral part of Azerbaijan, together with its inhabitants, thereby committing an act of genocide that constituted an indelible stain on humanity.

During the next genocide perpetrated by Armenian aggressors against the Azerbaijani people, within just a few hours, 613 peaceful Azerbaijani civilians, including 63 children, 106 women and 70 elderly persons, were brutally killed and subjected to intolerable torture solely because they were Azerbaijanis. A further 487 people sustained serious injuries, while 1,275 residents, including vulnerable elderly persons, children and women—were taken hostage and subjected to unimaginable suffering, humiliation and degrading treatment.

As a result of this act of genocide, some families were completely annihilated, the civilian population was massacred with unprecedented brutality, and those taken captive were subjected to merciless torture.

On that horrific night, when innocent infants, women and elderly people were killed and an entire city was wiped from the face of the earth, an unprecedented tragedy in human history, an actual act of genocide took place. In the course of these events, the fundamental human rights of our compatriots, and most importantly, the right to life, were violated on a massive scale.

The fact that these acts were deliberately committed with the intention of completely or partially destroying people on the basis of their national identity demonstrates that they constitute genocide under international and domestic law. This act of brutality and vandalism committed by the Armenian perpetrators should be assessed at the same level as the Khatyn and Songmi massacres, which progressive humanity has recognised as acts of genocide. The peace-loving people of the world, civilised states, influential international organisations and the international community must finally recognise this painful truth, and this crime against humanity must receive its due assessment.

Under international law, genocide constitutes an act directed against peace and humanity and is regarded as one of the most serious international crimes. United Nations General Assembly Resolution 96 (I), adopted on 11 December 1946, states that genocide violates human dignity by denying the right of human groups to exist and deprives humanity of the material and moral foundations created by human beings. Such infamous acts are entirely contrary to the purposes and principles of the United Nations. The legal

basis of the crime of genocide was established in the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by United Nations General Assembly Resolution 260 (III) of 9 December 1948 and entering into force in 1961.

By acceding to the Convention, States undertook to take measures to prevent genocide and punish those responsible, recognising that genocide constitutes a crime violating the norms of international law, regardless of whether it is committed in time of peace or war.

During Armenia's aggression against Azerbaijan, all the acts constituting the crime of genocide as defined in the aforementioned Convention were committed. The terrorist policy pursued by this occupying country has been taking place before the eyes of the international community for many years. Nevertheless, under the norms of international law and the principles of the United Nations and the OSCE, respect must be given to the inviolability of States' borders, and violations of territorial integrity and sovereignty are impermissible. Although the UN Security Council adopted four resolutions calling for the unconditional liberation of Azerbaijan's occupied territories, the occupying Armenia has still failed to comply with them.

Azerbaijan, a member of the United Nations, entered the new millennium as a state that had chosen a path of democratic development, was oriented towards the full guarantee of the rule of law, civil society and citizens' rights, and respected influential institutions that uphold international conventions and laws. Such institutions, in turn, should not permit discrimination or double standards in their treatment of countries.

Today, at a time when the global fight against terrorism has gained considerable momentum and the principle of ensuring territorial integrity has been universally recognised, the Azerbaijani people, as a people that has been subjected to occupation, terrorism and genocide, have the right to demand from influential and competent international organisations the restoration of the rights that have been violated, the return of the occupied territories, and the return of refugees and internally displaced persons to their homes.

It is commendable that the Council of Europe, one of the influential international organisations, also recognised Armenia as the aggressor party for the first time. The fact that Armenia was maintaining its occupation of Nagorno-Karabakh and seven other districts of Azerbaijan was also reflected in the official documents of the Parliamentary Assembly of the Council of Europe.

On 25 January 2005, during the winter session of the Parliamentary Assembly of the Council of Europe, a resolution reflecting the PACE's position on the conflict was adopted on the basis of a special report prepared on Nagorno-Karabakh.

The resolution reflected the facts that parts of our country's territory had been occupied by Armenian forces, that the Nagorno-Karabakh region was under the control of separatist forces, and that ethnic cleansing had been carried out in those territories.

The latest resolution adopted by PACE has encouraged many countries around the world to adopt a new approach to the Armenia-Azerbaijan conflict and to the facts of ethnic cleansing allegedly committed by Armenians.

On 18 February 2005, Congressman Dan Burton, a representative of the State of Indiana and a member of the Committee on International Relations, delivered a speech in the United States House of Representatives calling on Congress to recognise the Khojaly genocide. This demonstrated that American public opinion had also become aware of the atrocities attributed to Armenians and expressed a desire to put an end to barbarity accompanied by gross violations of human rights.

Beginning his speech with the words, "Humanity must know and remember," the Congressman drew the attention of his colleagues to the killing of women, children and elderly people in the city of Khojaly with inhuman brutality, as well as to the reported desecration of the bodies of those killed. He further stated that, by recognising the Khojaly genocide, the US Congress would help break the international community's silence on this issue, which had persisted for many years.

All of the foregoing leads to the conclusion that the international community is now supporting Azerbaijan's legitimate position and is interested in resolving the problem through peaceful means within the framework of international law.

The failure to provide an assessment at the international level of the Khojaly genocide, which resulted in massive and gross violations of human rights, and the failure to take decisive measures against acts of

terrorism and occupation create conditions in which those responsible, feeling that they enjoy impunity, are encouraged to commit further violations of human rights.

This is further demonstrated by the fact that the Armenian aggressors have prevented the liberation of the territories they seized through the use of armed force and coercion, as well as the return of more than one million refugees and internally displaced persons to their homes, thereby preventing them from leading normal lives and exercising their human rights. Moreover, as a result of repeated violations of the ceasefire regime by the Armenian aggressors, dozens of innocent civilians have been wounded, killed or taken captive.

At present, the illegal settlement of Armenian families in the occupied territories of Azerbaijan by the Republic of Armenia, the conduct of archaeological excavations at 200 Bronze Age graves located in the vicinity of the city of Shusha, a historical and cultural cradle of our people, and, more generally, the destruction and falsification of our historical and cultural monuments once again demonstrate what the source characterises as the Armenians' disregard for the universally recognised norms and principles of international law.

All of these acts constitute, according to the source, gross violations of the requirements of the Hague Convention of 14 May 1954 for the Protection of Cultural Property in the Event of Armed Conflict, UNESCO's Convention of 16 November 1972 concerning the Protection of the World Cultural and Natural Heritage, and the 1949 Geneva Conventions.

We appeal to all influential international organisations and to the international community, and trust that you will provide a legal assessment of the suffering inflicted upon our people and the crimes of genocide resulting from 17 years of Armenian aggression, and that you will demonstrate a just and principled position aimed at liberating the occupied territories of Azerbaijan from the Armenian occupiers and preventing acts of lawlessness.

We hope that reputable international institutions will support Azerbaijan's legitimate position, that justice will soon prevail, and that those responsible for the Khojaly genocide will be held accountable before an international court. The Armenian terrorists who perpetrated the tragedy and those who supported them must be brought to criminal responsibility, and sanctions should be imposed by competent international institutions against the State of Armenia for making genocide a component of its state policy.

We believe that you will contribute to the restoration of the violated rights and freedoms of the Azerbaijani people by mobilizing all available means to help ensure peace and security in the territory of Azerbaijan and the return of more than one million refugees and internally displaced persons to their native lands.

The Commissioner for Human Rights

(Ombudsman) of the Republic of Azerbaijan

25 February 2005

The present statement has been sent to the following organizations:

The Secretary-General of the United Nations, the Office of the United Nations High Commissioner for Human Rights, the Council of Europe, the OSCE, the International and European Ombudsman Institutes, the Asian Ombudsman Association, and the Ombudsmen who are members of these organisations.