

Statement by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan on the occasion of the 12th anniversary of the Khojaly Genocide

Falsifying historical facts and creating an image of the “oppressed people” in the eyes of the world has, from time to time, been the principal tactical approach employed by Armenians in pursuing their strategic objectives.

Numerous historical documents demonstrate that, in 1905–1907, 1918–1920 and 1948–1953, hundreds of thousands of Azerbaijanis who were subjected to a policy of ethnic cleansing and genocide by Armenian nationalists in their historical territories in the Caucasus were massacred on a mass scale and deported from their lands.

The Armenian aggression against our country, which began in 1988, is likewise a continuation of this same vile policy through violent means.

As a result of the occupation policy pursued by Armenia for the past 16 years, 20 percent of Azerbaijan’s ancestral territories has been seized, more than 20,000 of our compatriots have been killed, and more than 50,000 people have been wounded, disabled or otherwise injured. More than one million of our compatriots have been turned into refugees and internally displaced persons, while hundreds of our settlements, nearly 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, have 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 or to give any political assessment to the demonstrations that began in February 1988 with Armenians calling for the annexation of Nagorno-Karabakh to Armenia resulted, within a short period of time, in the destruction and burning of the ancestral and historic homes of Azerbaijanis living in the territory of Nagorno-Karabakh and the killing of its population.

The occupying military formations directed their next attack towards the city of Khojaly, located on the frontline of the war. Exactly 12 years ago, on the night of 25–26 February, Armenian aggressors attacked the city of Khojaly with the support of heavy military equipment and committed genocide against our people.

A large quantity of heavy military equipment belonging to the 366th Motor Rifle Regiment of the former Soviet Army was brought into the city, while residential houses were destroyed and burned. The completely unarmed civilian population, children, women, elderly people and persons with disabilities was subjected to ruthless violence.

The next genocide perpetrated by Armenian aggressors against the Azerbaijani people the Khojaly genocide claimed the lives of 613 people, including 106 women, 63 minor children and 70 elderly persons. A total of 1,275 civilians were taken captive, while the fate of 150 people remains unknown to this day.

As a result of this act of genocide, some families were completely annihilated, the civilian population was killed 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 a large city was wiped from the face of the earth, an unprecedented tragedy in human history, an actual act of genocide took place. At that time, the fundamental human rights of our compatriots, and above all, their right to life, were massively violated.

The fact that these acts were committed in a premeditated manner, with the intention of completely or partially destroying people on the basis of their national identity, proves that, under international and domestic law, they constitute genocide.

This act of brutality and vandalism perpetrated by the Armenian aggressors should be assessed at the same level as the tragedies of Khatyn and Songmi, which have been recognised as genocide by progressive humanity. The peace-loving people of the world, civilised States, influential international organisations and the international community must sooner or later become aware of this painful truth, and this crime against humanity must receive its due assessment.

Under international law, genocide is 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), dated 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 is 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. The States that acceded to the Convention, recognising that genocide constitutes a crime violating the norms of international law regardless of whether it is committed in time of peace or war, undertook to take measures to prevent its commission and to punish those responsible.

During Armenia's aggression against Azerbaijan, all acts constituting the crime of genocide as set out 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. However, under the norms of international law and the principles of the United Nations and the OSCE, the inviolability of State borders must be respected, 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, occupying Armenia has still failed to implement them. Azerbaijan has consistently made efforts to resolve this conflict peacefully. President Heydar Aliyev took courageous steps concerning this vital issue for our country. At the Millennium Summit held at the United Nations in September 2000, Heydar Aliyev expressed his views in favour of peace: "It is impossible to achieve peace and security in the region without resolving the Armenia-Azerbaijan conflict and putting an end to external pressure on the region."

While still serving as Prime Minister of our country, President Mr. Ilham Aliyev, in his address to the 58th session of the UN General Assembly, called upon the United Nations not to remain a mere observer to Armenia's aggression against Azerbaijan and expressed the international community's resolute opposition to the application of double standards in the fight against terrorism.

He also succeeded, for the first time in the Council of Europe, in having Armenia recognised as the aggressor party. The fact that Armenia has kept Nagorno-Karabakh and seven other districts of Azerbaijan under occupation has been reflected in the official documents of the Parliamentary Assembly of the Council of Europe (PACE).

As a result of the Khojaly genocide and other tragedies perpetrated by occupying Armenia in our territories, the rights and freedoms enshrined in the Universal Declaration of Human Rights, the European Convention on Human Rights and other international instruments have been grossly and massively violated, while the honour and dignity of individuals have been trampled upon.

Unfortunately, the Khojaly genocide, which resulted in massive and gross violations of human rights, has still not received a legal assessment at the international level; decisive measures have not been taken against acts of terrorism and occupation, and those responsible have not been punished.

With great hope, I appeal to the international community, reputable international organisations and the peoples of the world, believing that the long-standing Armenian aggression against Azerbaijan and its

policy of terrorism will be brought to an end; that support will be provided for resolving this painful conflict through peaceful means and negotiations; that the occupied territories will be returned; that the hundreds of thousands of our compatriots who have been turned into refugees and internally displaced persons will return to their homes; and that their constitutional rights will be restored.

We hope that influential international organisations will support Azerbaijan's legitimate position, that justice will soon prevail, and that those responsible for the aggression against our country and 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 organisations against the State of Armenia for making genocide a component of its state policy.

We believe that you will assist in mobilising all available means to help ensure peace and security in the territory of Azerbaijan and to restore the violated rights and freedoms of the Azerbaijani people.

Elmira Suleymanova

Commissioner for Human Rights

(Ombudsman) of the Republic of Azerbaijan

The Statement was addressed to the following organisations:

1. The Secretary-General of the United Nations
2. The Office of the United Nations High Commissioner for Human Rights
3. The Office of the United Nations High Commissioner for Refugees
4. The Council of Europe
5. The OSCE