



人权理事会  
第十七届会议  
议程项目 4  
需要理事会注意的人权状况

## 阿塞拜疆常驻联合国日内瓦办事处和其他国际组织代表团 2011 年 6 月 10 日致人权理事会主席的普通照会

我谨提请您注意 2011 年 6 月 2 日亚美尼亚常驻联合国日内瓦办事处和其他国际组织代表团的信函 (A/HRC/17/G/8)。

亚美尼亚共和国此举背后的意图在于否认该国对 2011 年 3 月 8 日杀害一名 9 岁的阿塞拜疆儿童及其武装部队在入侵阿塞拜疆并占领阿领土的过程中犯下的其他令人发指的罪行所负责任。亚美尼亚一贯坚持拒绝承认其兼并领土和种族清洗的毁灭性政策所造成的悲剧性后果，再次表明该国从始至终不愿尊重其在《联合国宪章》和国际法下的义务，并不断试图诋毁正在进行的冲突解决进程。

亚美尼亚常驻代表的信函再次表明该国毫不掩饰地企图通过肆无忌惮地弄虚作假来误导国际社会。上述信函附件中所载亚美尼亚共和国在占领的阿塞拜疆共和国领土上非法设立和运作的非法实体及其架构所提供的信息尤其值得关注。亚美尼亚共和国竭尽全力为这一分裂主义实体宣传鼓吹，但该实体的独立没有得到任何承认，甚至没有获得亚美尼亚的承认，是依靠亚美尼亚共和国不可或缺的经济、政治和军事支持才得以生存，这种行为本身就是弄虚作假的明显证据。同样值得注意的是，亚美尼亚是在阿塞拜疆采取向理事会主席及其成员国通报亚美尼亚武装部队蓄意杀害阿塞拜疆平民一事的做法之后才开始在人权理事会分发上述文件的。

我在此转交阿塞拜疆共和国总检察长办公室关于亚美尼亚共和国武装部队违反停火协议导致一名亚美尼亚狙击手杀害一名 9 岁的阿塞拜疆儿童的悲剧事件的调查情况。调查结果无可辩驳地证实亚美尼亚共和国武装部队应对蓄意杀害一名阿塞拜疆儿童一事负责。

阿塞拜疆政府不能够保持沉默而任由亚美尼亚方面在战争中进行不分皂白的攻击和蓄意杀人行为，阿塞拜疆政府决心继续做出不屈不挠的努力，向国际社会说明亚美尼亚共和国武装部队公然违反共同规范和原则的行为，并将上述所有罪行的责任者绳之以法。阿塞拜疆相信，结束有罪不罚的文化，对于确定违反人道主义和人权法律行为的个人刑事责任以及持久和平、受害者的权利和利益乃至整个社会的福祉至关重要。

对这一点，我谨指出，最近，在阿塞拜疆共和国 Aghdam 地区的 Chamanli 村，另一名阿塞拜疆平民 ElmarPiriyev 于 2011 年 6 月 3 日再次遇害，使过去三个月来被亚美尼亚共和国武装部队蓄意枪杀致死的平民总数增加到 2 人。过去五个月来亚美尼亚方面违反停火协议共导致阿塞拜疆 6 名士兵和 2 名平民遇害。

鉴于阿塞拜疆共和国被占领土处于亚美尼亚共和国和非法的分裂主义政权的控制之下，亚美尼亚共和国作为占领国应负全责追究上述人员的责任。阿塞拜疆共和国再次强调，为切实保护国际法和人权的规范和原则，首先必须结束占领状态，亚美尼亚武装部队必须撤出阿塞拜疆共和国的领土。只有在这样做之后，在阿塞拜疆共和国上述领土上才能具备确保人权和自由的应有条件。

谨请将本函及其附件\* 作为人权理事会议程项目 4 下的文件分发。

(签名)

**Murad N. Najafbayli** 博士

大使兼常驻代表

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\* 不译，原文照发。

## Annex

### **Information concerning the results of an investigation of the killing of an Azerbaijani citizen, Fariz Badalov, by the Armenian armed forces**

On 8 March 2011 at about 16.00 hours local time, Armenian armed forces opened fire from positions in the occupied village of Shikhlar in the Aghdam district of the Republic of Azerbaijan. As a result of this, a resident of the village of Orta Garvand in the Aghdam district, Fariz Badalov, born 2002, received a bullet wound to the head, while playing with his juvenile relative in the yard of his home, and died on the way to hospital.

On 9 March 2011, the Office of the Public Prosecutor of the Aghdam district launched criminal proceedings on this case under article 120.1 of the Criminal Code of the Republic of Azerbaijan.

An investigation established that the house where F.Badalov resided is in the south-western part of the village of Orta Garvand and is the closest house in the direction of the line of contact with the Armenian armed forces. The distance between the house and the positions of the Armenian armed forces is approximately 1.000-1.200 metres. Since the rear part of the house adjoins the large area of fields, the distance from the positions of the Armenian armed forces is clearly seen. There are no natural or artificial obstacles that might limit visibility.

The observation log of the command post of the military unit of the Ministry of Defence of the Republic of Azerbaijan deployed in the Aghdam district recorded that on 8 March, firing from the positions of the Armenian armed forces located on the opposite side of the command post occurred three times at 15.30 hours and once from a sniper's rifle at 16.20 hours. This case has also been confirmed by the testimonies of witnesses questioned on the criminal proceedings.

According to the conclusions of the forensic medical examination assigned to the criminal investigation, wounds were found on F.Badalov's corpse in the areas of the left temple and the right side of the crown, together with fragments of bone from the skull and puncturing and destruction of the brain tissue. This description was a single wound resulting from the action of a bullet shot from a firearm. The cause of F.Badalov's death was the fragmenting of the skull bone and the puncturing and destruction of the brain tissue as a result of the wound from the firearm. An examination of the wound's entry and exit openings confirmed that the fire had been opened at long-distance range. Respectively, the forensic-ballistic examination performed for the prosecution in its conclusions determined the shot was fired at long-distance range from a rifled firearm and that fatal injury on F.Badalov that subsequently led to his tragic death was inflicted by the copper-containing cartridge of a 7.62 mm calibre.

In the course of the examination it was established that the injuries which caused F.Badalov's death are typical in cases involving shots of this kind from sniper weapons.