



General Assembly

Distr.: General
14 June 2011

Original: English

Human Rights Council

Seventeenth session

Agenda item 4

Human rights situations that require the Council's attention

Note verbale dated 10 June 2011 from the Permanent Mission of Azerbaijan to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

I would like to draw your attention to the letter dated 2 June 2011 of the Permanent Mission of Armenia to the United Nations and other international organizations in Geneva (A/HRC/17/G/8).

The intention of the Republic of Armenia behind such a move is to deny its responsibility for the killing on 8 March 2011 of a 9-year-old Azerbaijani child and for committing other heinous crimes by its armed forces during the aggression against Azerbaijan and the occupation of its territories. By traditional and constant refusal to admit the tragic results of its destructive policy of annexation and ethnic cleansing, Armenia once again demonstrates its persistent reluctance to respect its obligations under the Charter of the United Nations and international law and makes continuous attempts to discredit the ongoing conflict settlement process.

The letter of the Permanent Representative of Armenia represents yet another unconcealed attempt to mislead the international community by means of blatant falsifications. The annex to the above-mentioned letter containing the information provided by the illegitimate entity and its structures established by the Republic of Armenia functioning in the occupied territories of the Republic of Azerbaijan illegally attracts particular attention. An attempt by the Republic of Armenia to do its best to propagate the separatist entity, which does not enjoy any recognition of independence, not even by Armenia, and survives by virtue of the indispensable economic, political and military sustenance of the Republic of Armenia, as such represents obvious proof of falsification. It is also notable that Armenia began circulating such a document in the Human Rights Council only after Azerbaijan applied the practice of informing the President of the Council and Member States about the intentional killing of Azerbaijani civilians by the armed forces of Armenia.

I would like to transmit herewith the information of the Office of the Prosecutor General of the Republic of Azerbaijan regarding the investigation of the tragic killing of a 9-year old Azerbaijani child by an Armenian sniper as a result of the ceasefire violation by the armed forces of the Republic of Armenia. The results of this investigation irrefutably

testify to the responsibility of the armed forces of the Republic of Armenia for the intentional killing of an Azerbaijani child.

The Government of Azerbaijan is not in a position to pass over in silence the indiscriminate attacks and the intentional killings committed by the Armenian side in the course of war and is determined to continue to make strenuous efforts to update the international community about the flagrant violations of the common norms and principles by the armed forces of the Republic of Armenia and bring all those responsible for these crimes to justice. Azerbaijan believes that ending the culture of impunity is essential both for identifying individual criminal responsibility for the violations of humanitarian and human rights law and for sustainable peace, the rights and interests of victims and the well-being of society at large.

In that regard, I would like to refer to the recent killing of another Azerbaijani civilian, Elmar Piriye, in the village of Chamanli of the Aghdam district of the Republic of Azerbaijan on 3 June 2011, thus bringing the total number of civilians intentionally shot dead by the armed forces of the Republic of Armenia in the past three months to two. Overall, as a result of the ceasefire violations by the Armenian side during the past five months, six Azerbaijani soldiers and two civilians have been killed.

Taking into account that the occupied territories of the Republic of Azerbaijan are under the control of the Republic of Armenia and the illegal separatist regime, the Republic of Armenia, being an occupying Power, is fully responsible for holding those responsible persons accountable. The Republic of Azerbaijan stresses once again that, for the effective protection of norms and principles of international law and human rights, the occupation firstly has to be ended and Armenian armed forces have to be withdrawn from the territories of the Republic of Azerbaijan. Only after this will the due conditions to ensure human rights and freedoms in those territories of the Republic of Azerbaijan arise.

I would highly appreciate it if you could kindly circulate my letter and its annex^{*} as a document of the Human Rights Council under agenda item 4.

(signed)

Dr. Murad N. Najafbayli

Ambassador, Permanent Representative

^{*} Reproduced as received, in the language of submission only.

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.