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Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Informations communiquées par le Commissaire aux droits de l'homme (Médiateur) d'Azerbaïdjan*

Note du secrétariat

Le secrétariat du Conseil des droits de l'homme fait tenir ci-joint la communication présentée par le Commissaire aux droits de l'homme (Médiateur) d'Azerbaïdjan**, reproduite conformément à l'article 7 b) du Règlement intérieur figurant dans l'annexe à la résolution 5/1 du Conseil des droits de l'homme, qui dispose que la participation des institutions nationales des droits de l'homme s'exerce selon les modalités et les pratiques convenues par la Commission des droits de l'homme, notamment la résolution 2005/74 du 20 avril 2005.

* Institution nationale des droits de l'homme à laquelle le Comité international de coordination des institutions nationales pour la promotion et la protection des droits de l'homme a accordé le statut d'accréditation « A ».

** La communication est reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

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Annexe

[Anglais seulement]

Submission by the Azerbaijan: Human Rights Commissioner (Ombudsman)

The 24th anniversary of the Khojaly Genocide

The crime committed in Khojaly city at the night from 25 to 26 February, 1992, by the Armenian armed forces together with the 366 moto-artillery regiment of the former Soviet army was one of the unprecedented events due to its cruelty.

Khojaly genocide resulted with severe violation of international legal norms and principles as well as of human rights and freedoms and as an integral part of the aggressive policy against Azerbaijan, became another evidence of long-lasting ethnic cleansing and genocide policy of Armenian extremists and their supporters against the Azerbaijani people.

During Khojaly genocide, 613 people, whose names were known, including 106 women, 63 children and 70 old people were killed; over 1000 civilians became disabled as a result of severe injuries; 1275 people were taken hostages, the fate of 150 out of them still remains unknown. 8 families were totally exterminated; 26 children lost both, whereas 130 children lost one parent; captives and hostages were subjected to merciless torture. Thus, human rights of those people, especially the fundamental right to life were grossly violated.

This massive killing of human beings, committed by the Armenian invaders, unambiguously, is an act of genocide due to its unimaginable cruelty and tortures. Hence, under international law, genocide is considered to be one of the gravest crimes and the elements of this crime are determined in a number of legal documents. The UN General Assembly Resolution 96 (I) dated 11 December 1946, states that genocide, violating the right of people to life, damages human dignity, and deprives the mankind of the material and spiritual values created by human beings, is contrary to the spirit and aims of the United Nations and universal values and the civilized community condemns it.

The international legal definition of the crime of genocide was determined in 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 from 9 December 1948. The commitment of criminal acts, planned in advance and aimed at mass annihilation of people on the ground of their nationality during the Khojaly massacre constitutes this crime as genocide. During the aggression against Azerbaijan, all elements of the crime of genocide stated in the mentioned Convention were applied. However, unfortunately, despite of the commitment of such terrible acts of genocide against the Azerbaijani civilians, all these facts, including Khojaly genocide have not yet been properly assessed, the planners, organizers and the committers of these crimes were not prosecuted and punished, no action has been taken yet.

Nagorno-Karabakh and adjacent seven regions are an integral part of Azerbaijan. This is re-affirmed once again by the international law, as well as by the UN Security Council Resolutions 822, 853, 874, 884 from 1993, UNGA Resolution on "Situation on the occupied territories of Azerbaijan" dated on March 14, 2008, Resolution 1416 from 2005 and Recommendation 1669 from 2009 of the Parliamentary Assembly of the Council of Europe confirming the occupation of Azerbaijani territories by the Armenian military forces, and governing of Nagorno-Karabakh by separatists. As a consequence, over one

million of the Azerbaijani people became refugees and internally displaced persons, whose main rights and freedoms were severely violated.

Comprehensive information about terror and genocide acts against our people, as well as about Khojaly Genocide was given in a number of international conferences and events; and relevant statements were sent to international organizations and ombudsman institutions of different countries.

Within last years certain actions have been taken in respect of recognition of this bloody crime committed in Khojaly in line with the norms of international law. As such, the Parliaments of Mexico, Columbia, Peru, Pakistan, Bosnia and Herzegovina, Romania, the Czech Republic, Sudan, Jordan and Honduras have already recognized the crime in Khojaly as genocide from the perspective of the international legal norms.

A while ago, the National Council of Slovenia passed a decision on Armenian-Azerbaijan Nagorno-Karabakh conflict. The document calls the Slovenian government to support the relevant UN Security Council resolutions within the frame of the efforts for peaceful resolution of the conflict. The document also recognizes the genocide committed by Armenian armed forces in Khojaly as a crime against humanity.

In addition, legislative bodies of the US States, namely, the States of Massachusetts, Texas, New-Jersey, Maine, New Mexico, Arkansas, Georgia, Oklahoma, Tennessee, Pennsylvania, Connecticut, Florida, Mississippi, West Virginia, Indiana, Arizona, Utah, Nebraska Hawaii and Montana had also condemned the Khojaly Massacre of innocent people as a genocidal act against humanity.

The Organization of Islamic Conference (OIC) was the first international organization that recognized Armenia as an aggressor and the Khojaly tragedy as genocide. So, the aim of the Campaign "Justice for Khojaly" organized by the Youth Forum of OIC, which carried out in over 40 countries of the world, is also to aware the international community about this bloody event.

It makes indignant and regretful that legal assessment has not yet been given to Khojaly genocide at the international level.

This crime shall be investigated by the special international commission and recognized as an act of genocide by the corresponding international organizations, and sanctions shall be imposed on the perpetrators of this crime in compliance with the norms and principles of international law.

We do once again call UN to take necessary action to make Armenia fulfil own obligations according to international legal documents regarding this conflict; restore the territorial integrity of Azerbaijan; liberate the Azerbaijani captives and hostages; restore the violated rights of refugees and IDPs, and provide conditions for their returning to the own homes. The criminals who killed innocent people and committed act of genocide and massacre should be prosecuted and punished.
