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Situations relatives aux droits de l'homme qui requièrent l'attention du Conseil

Note verbale datée du 12 juillet 2019, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de l'Azerbaïdjan auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République d'Azerbaïdjan auprès de l'Office des Nations Unies à Genève et des autres organisations internationales à Genève présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur d'appeler son attention sur ce qui suit.

Ce 11 juillet 2019 marque le cinquième anniversaire du jour où deux civils azerbaïdjanais, Dilgam Asgarov et Shahbaz Guliyev, ont été pris en otage par la République d'Arménie alors qu'ils allaient se recueillir sur la tombe de membres de leur famille dans le district occupé de Kalbajar, en République d'Azerbaïdjan.

La Mission permanente de la République d'Azerbaïdjan présente en annexe à la présente note des informations concernant la poursuite des violations des droits de l'homme de Dilgam Asgarov et de Shahbaz Guliyev, pris en otage par les forces armées de la République d'Arménie dans le district occupé de Kalbajar en République d'Azerbaïdjan (voir annexe).

La Mission permanente de la République d'Azerbaïdjan auprès de l'Office des Nations Unies à Genève et des autres organisations internationales à Genève prie le Haut-Commissariat des Nations Unies aux droits de l'homme de bien vouloir distribuer le texte de la présente note et son annexe* comme documents de la quarante et unième session du Conseil des droits de l'homme, au titre du point 4 de l'ordre du jour.

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



Annex to the note verbale dated 12 July 2019 from the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

Statement on continued violation of human rights of Dilgam Asgarov and Shahbaz Guliyev who were taken hostages by the armed forces of the Republic of Armenia in the occupied Kalbajar district of the Republic of Azerbaijan

On 11 July 2014, the armed forces of the Republic of Armenia brutally killed an Azerbaijani civilian, Hassan Hassanov, and captured Dilgam Asgarov and Shahbaz Guliyev, who were attempting to visit the graves of their parents in the Kalbajar district of the Republic of Azerbaijan.

In this context, it is worth to mention that on 2 April 1993 the Kalbajar district of the Republic of Azerbaijan was occupied by armed forces of the Republic of Armenia. Kalbajar district, locating beyond the Nagorno-Karabakh region of the Republic of Azerbaijan, was occupied as a result of offensive operation mainly carried out from the territory of the Republic of Armenia by use of heavy weaponry, Mi-24 helicopter gunships and advanced fixed wing aircrafts.

As a result of the occupation, up to 60.000 inhabitants of Kalbajar district were subjected to ethnic cleansing and expelled from their native lands, 511 innocent civilians were killed, 321 persons were taken hostage or went missing. Currently, more than 70 000 Kalbajar residents are temporarily residing in different regions of the Republic Azerbaijan as internally displaced persons.

The Armenian side not only did not release the above-mentioned civilians, but also fabricated charges against them and unlawfully sentenced Dilgam Asgarov to life imprisonment and Shahbaz Guliyev to 22 years in jail, while the body of Hassan Hassanov was returned, with the facilitation of the International Committee of the Red Cross, after almost three months, on 2 October 2014.

The images of Dilgam Asgarov and Shahbaz Guliyev before and after their capture, which the Armenian side made available to the public to exert psychological pressure on their families and relatives, clearly demonstrate that they were subjected to torture and other inhuman and degrading treatment.

The Republic of Armenia, in blatant violation of the norms and principles of international law and the Charter of the United Nations, occupied Nagorno-Karabakh and seven adjacent districts of the Republic of Azerbaijan by use of force. More than one million Azerbaijanis, among them Dilgam Asgarov, Shahbaz Guliyev and members of their families, were expelled from their native lands as a result of ethnic cleansing carried out by the Republic of Armenia in both occupied territories of the Republic of Azerbaijan and Armenia itself.

Since 1993, Dilgam Asgarov and Shahbaz Guliyev and their families were forced to live as internally displaced persons. The longing for native places, which is lasting more than 20 years prompted them to make a selfless step to visit the occupied lands and from this point of view their desire to see their native homes and the graves of their parents is quite understandable. Thus, their unlawful arrest by the Republic of Armenia and the refusal to release are causing great sorrow among relatives, and indignation of Azerbaijani public.

Contrary to the provisions of the Geneva Conventions of 1949 and the Additional Protocols thereto, which prohibit the hostage taking of civilians and require humane treatment of civilians during military conflicts, the Armenian side continues to flagrantly violate these commitments taken at the international level and does not consider the calls of the Azerbaijani side to respect international humanitarian law and on a mutual basis immediately to release detained civilians from both sides.

By such actions, the Republic of Armenia also continues to seriously violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination and the Convention for the Protection of Human Rights and Fundamental Freedoms.

The European Court of Human Rights, having established the responsibility of the Republic of Armenia as the occupying power in the case of *Chiragov and others v. Armenia*, reaffirmed the right of displaced persons to return to their homes or places of habitual residence and recalled the relevant standards and principles of international humanitarian and human rights law relating to the legal and technical issues surrounding housing and property restitution. In this context, in the view of the Court, continued presence of Armenian troops and ceasefire breaches is the major obstacle for the Azerbaijanis to return to their homes in the current circumstances.

Keeping Dilgam Asgarov and Shahbaz Guliyev in captivity is yet further proof of Armenia's policy of hatred, the primary objective of which is to consolidate the results of aggression and occupation and prevent the hundreds of thousands of forcibly displaced Azerbaijanis from returning to their homes and properties.

The Republic of Azerbaijan urges the entire international community, especially the OSCE Minsk Group co-chair countries, relevant international organizations and non-governmental organizations, guided by the noble principles of humanism, to effectively influence and exert pressure on the Republic of Armenia for the immediate release of our compatriots held hostage and their reunification with members of their families.

The Republic of Azerbaijan will continue to take all necessary measures for the release of Dilgam Asgarov and Shahbaz Guliyev.
