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مجلس حقوق الإنسان

الدورة الحادية والعشرون

البند ٤ من جدول الأعمال

حالات حقوق الإنسان التي تتطلب اهتمام المجلس بها

رسالة مؤرخة ١٠ تشرين الأول/أكتوبر ٢٠١٢ موجهة إلى رئيس مجلس حقوق الإنسان من الممثل الدائم لجمهورية أذربيجان لدى مكتب الأمم المتحدة وسائر المنظمات الدولية في جنيف

أودّ أن أشير إلى المذكرة الشفوية المؤرخة ٢٤ أيلول/سبتمبر ٢٠١٢ والموجهة إلى
رئيس مجلس حقوق الإنسان من البعثة الدائمة لجمهورية أرمينيا فيما يتعلق بحالة راميل
سفروف، وهو من مواطني أذربيجان وملازم في قواتها المسلحة (A/HRC/21/G/10).

وأكون ممتناً لو تكرمتم بتعميم هذه الرسالة ومرفقها* كوثيقة رسمية من وثائق
الدورة الحادية والعشرين لمجلس حقوق الإنسان، في إطار البند ٤ من جدول الأعمال.

(توقيع) الدكتور مراد ن. ناجابايي
السفير، الممثل الدائم

* مستنسخ في المرفق كما ورد وباللغة التي قُدم بها فقط.

Annex to the letter dated 10 October 2012 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office and other international organizations in Geneva addressed to the President of the Human Rights Council

The extradition of Ramil Safarov to the Republic of Azerbaijan was carried out in full compliance with the 1983 Strasbourg Convention on the Transfer of Sentenced Persons of the Council of Europe to which Azerbaijan is also a party. In accordance with the provisions of this Convention, a person sentenced in the territory of a Party may be transferred to the territory of another Party by the mutual consent of sentencing and administering States. The administering State may continue the enforcement of the sentence or convert it through a judicial or administrative procedure, into a decision of that State. The Article 12 of the Convention states that "Each Party may grant pardon, amnesty or commutation of the sentence in accordance with its Constitution or other laws". In line with the Article 109 (22) of the Constitution of the Republic of Azerbaijan, pardoning is the exclusive right of the President of the Republic of Azerbaijan. Therefore, along with these lines, enforcement of the sentence of Ramil Safarov has been terminated by the pardon decree by the President of the Republic of Azerbaijan.

It should also be mentioned that Ramil Safarov who was sentenced to life imprisonment by the court in Hungary served more than eight years for the action he committed and he is being neither glorified nor considered a hero in Azerbaijan, as the Armenian side claims.

In spite of these legal grounds, the politicization of this legally-regulated case serves the far-reaching objectives such as concealing the real consequences of the aggression and grave crimes committed by the armed forces of the Republic of Armenia against the Republic of Azerbaijan. It is well-known to all interested stakeholders that the primary source for the everlasting escalation in the region represents the ongoing occupation of the territories of the Republic of Azerbaijan as a result of the armed aggression by the Republic of Armenia against the Republic of Azerbaijan leading to the forced expulsion of more than 1 million Azerbaijani people from their places of residence, their ethnic cleansing and the culture of impunity for a number of grave crimes. Therefore, it is obvious that the case of Ramil Safarov should only be viewed within the context of the ongoing occupation by Armenia of the territories of Azerbaijan and the harsh consequences of the war for hundreds of thousands of Azerbaijani internally displaced persons and refugees who were forced out from their homes. Ramil Safarov himself had witnessed his own home occupied and many close relatives killed by invading Armenian forces. His family was one of the thousands of families that had been forcibly expelled from their native Jabrayil district, which was subsequently occupied.

Furthermore, the actions of Ramil Safarov can in no possible way be portrayed as an ethnically motivated crime. Unlike mono-ethnic Armenia, Azerbaijan has preserved its ethnic diversity to the present day. Currently, about 30.000 ethnic Armenians reside in the territory of the Republic of Azerbaijan and pursuing their normal way of life without being subjected to any kind of discrimination. During the discussions with OSCE Office in Baku, the officials of the mentioned organization stated that "Azerbaijan should take pride in the fact that despite the ethnic Armenians are included in the risk group in Azerbaijan, the Office has not received any information or complaint with regard to the discrimination against them or their suppression".

Being a country with long-standing traditions of tolerance, non-discrimination and peace, Azerbaijan attaches great importance to the intercultural and interreligious dialogue and continues to contribute to this crucial endeavor. For many centuries Muslims, Christians (Orthodox, Catholic and Protestants) and Jews have been continuing to live side by side in our country in conditions of peace, tolerance and mutual respect. They all take part in the political, socio-economic and cultural life of the country and make contribution to Azerbaijan's development. The multicultural dialogue in our country is used as an example of peaceful coexistence between people of different religions and backgrounds.

The belligerent and inflammatory rhetoric and hysteria of the Government of Armenia which only promotes the policy of aggression, instigates the hostility and hinders the peaceful settlement of the conflict between Armenia and Azerbaijan deserve particular attention. In this vein, we would like to inform the international community that Armenian terrorist organizations, inspired by the provocative and aggressive position of the Government of Armenia, threaten diplomatic missions and citizens of the Republic of Azerbaijan abroad. An Armenian terrorist organization, closely linked to the Government of Armenia – the Armenian Secret Army for the Liberation of Armenia (ASALA), which has perpetuated dozens of terrorist attacks against civilians and foreign diplomats in various countries, has recently announced the Azerbaijani diplomats as its next targets. In that regard, we strongly emphasize that the Government and leadership of Armenia will bear all brunt of responsibility for any provocation of Armenian terrorist organizations, including ASALA - against Azerbaijani citizens or diplomats.

As is well known fact that, international Armenian terrorism has bloody historic antecedents connected with the perpetration of numerous terrorist acts in various countries and killings of many foreign citizens and diplomats. Thus, between 1973 and the present, with the exception of terrorist attacks against Azerbaijan and its citizens (please refer to United Nations document No. A/C.6/50/4 dated 15 November 1995 on the organization and implementation of terrorist activities by the Republic of Armenia against the Republic of Azerbaijan), Armenian terrorist groups, such as ASALA and the Justice Commandos of the so-called "Armenian Genocide", committed approximately 239 acts of terrorism in different countries of North America, Europe, the Middle East and the Pacific region, which killed at least 70 people and wounded 524 people; 105 people were taken hostage, 12 of whom were executed. Those terrorist acts included at least 160 bomb attacks and accounted for the vast majority of deaths and injuries, as they were generally committed in crowded public areas, such as airports, city squares and shopping malls.

One of the examples is the case of Armenian terrorist Guren Yanikyan who was sentenced to life imprisonment by the court in the United States of America for the murder of two senior Turkish diplomats in Santa-Barbara, California. He was later released from the prison under the pretext of health problems.

The Armenian terrorist Varujan Karapetyan, who committed a terrorist act at Orly airport in Paris on 15 July 1983 that claimed the lives of 8 people and injured 55 others, was sentenced to life imprisonment in France. However, 18 years later, in April 2001, after being released by the court in France, he was transferred to Armenia, which had been neither his country of citizenship nor his country of residence. However, upon arrival, he was pardoned by the President of Armenia. He was later greeted by Armenia's Prime Minister, who expressed his "joy" at Karapetyan's release from jail and Yerevan Mayor had pledged to provide him with employment and accommodation. Before Varujan Karapetyan's transfer to Armenia, in 1995, over 1 million people in Armenia signed a petition to the authorities in France calling for the release of Karapetyan from prison. Moreover, the sixth grade at a school in Yerevan was named in his honour and the exhibitions of his painting were organized in Yerevan and Echmiadzin.

Another example includes the well-known international terrorist Monte Melkonian who had committed multiple terrorist acts in France and Nagorno-Karabakh region of the Republic of Azerbaijan and upon whom was conferred the title of national hero and who was posthumously awarded the highest military honours and decorations in Armenia.

Besides, military commanders of the Armenian Legion during the Second World War, Nazi Generals Drastamat Kanayan and Garegin Nzhdeh, are also considered national heroes in Armenia. The only service rendered by those persons to Armenia and that unites them was the killing of thousands of Azerbaijanis and Turks on ethnic and religious grounds.

It is important to recall the representatives of some international organizations, particularly, those of the Office of UN High Commissioner for Human Rights, who expressed their views concerning the case of Ramil Safarov, the public comments promoting ethnic hatred and violence made by the former and current heads of the Armenian State. In that regard, the notorious remarks by the previous President of the Republic of Armenia, Robert Kocharian about “ethnic incompatibility between Armenians and Azerbaijanis” have led to the justifiable indignation within the international community. Thus, the then Secretary-General of the Council of Europe Walter Schwimmer said “Kocharian’s comment was tantamount to warmongering” and manifestation of “bellicose and hate rhetoric”, while the then President of the Parliamentary Assembly of the Council of Europe has never heard the phrase “ethnic incompatibility”. The current President of Armenia, Serzh Sargsyan, unquestionably confessed his direct involvement in the Khojaly Genocide which claimed lives of hundreds of Azerbaijani civilians, including children, women and elderly persons. In his interview with the British journalist Thomas de Waal of 15 December 2000, Serzh Sargsyan, while responding to the question as to whether things could have happened differently and whether he had any regrets about the deaths of thousands of people as a result of Armenian attacks against Azerbaijani civilians, said frankly that he “has absolutely no regrets”, since “such upheavals are necessary, even if thousands have to die”. He also stated: “Before Khojali, the Azerbaijanis thought that they were joking with us, they thought that the Armenians were people who could not raise their hand against the civilian population. We were able to break that stereotype.

It is disappointing and discouraging to note that the representatives of some international organizations, including OHCHR, who expressed their views concerning the case of Ramil Safarov, on a number of previous occasions reflecting the provocative actions and statements, insolent behaviour of the Armenian side, Armenia’s apparent ignorance of international law, human rights and fundamental freedoms, preferred to keep silent under the pretext that the conflict was being dealt with exclusively by the Minsk Group of the Organizations for Security and Cooperation in Europe and that these matters are allegedly not covered within their mandates.

We condemn and deplore in the strongest possible terms the passive, inactive and indifferent stance of the Office of High Commissioner for Human Rights over the serious and grave consequences of the continued illegal occupation of the territories of Azerbaijan by Armenia, killings of civil Azerbaijani population residing along the line of contact between the armed forces of Armenia and Azerbaijan as a result of the ceasefire violations by the Armenian side and serious infringement of the basic human rights and freedoms of hundreds of thousands of Azerbaijani refugees and internally displaced persons who were subjected to the forced expulsion from their places of residence by the invading Armenian forces during the course of military operations. It would be fair enough if OHCHR would also voice its serious concerns and indignation over the killing on 8 March 2011 by an Armenian sniper of 9-year-old Fariz Badalov in the village of Orta Garvand in the Aghdam district of Azerbaijan or the tragic crime committed by the explosion of a toy with a built-in explosive, deliberately floated by the Armenian side that resulted in the killing of 14-year-

old Azerbaijani girl Aygun Shahmaliyeva in Alibayli village in the Tovuz district of Azerbaijan, bordering Armenia. While limiting its involvement in the mentioned cases only to information-sharing, the OHCHR has been fast enough to respond to the hysteric and aggressive call of the President of Armenia to react to the developments with regard to the case of Ramil Safarov.

The Government of Azerbaijan strongly protests against provocative actions and statements of the Armenian side, finds the aggressor's insolent behaviour as obvious manifestation of impunity for its crimes and considers the defiant rhetoric of the Armenian leadership as having the sole purpose of discrediting the ongoing conflict settlement process, misleading the international community and drawing its own public's attention away from the country's aggravated internal problems.

The Republic of Azerbaijan is confident that for the purposes of lasting peace, security and stability in the South Caucasus, there is no alternative other than by concerted efforts of the international community to convince the Republic of Armenia to put an end to the illegal occupation of the territories of the Republic of Azerbaijan, to ensure that inalienable rights of Azerbaijani internally displaced persons to return to their places of origin is fully recognized and implemented.
