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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

**Note verbale dated 24 February 2004 from the Permanent Mission
of Azerbaijan to the United Nations Office at Geneva addressed to
the secretariat of the Commission on Human Rights**

The Permanent Mission of the Republic of Azerbaijan to the United Nations Office and other International Organizations at Geneva presents its compliments to the secretariat of the sixtieth session of the United Nations Commission on Human Rights and has the honour to transmit herewith the press release of the Permanent Mission regarding the twelfth anniversary of the Khojaly genocide as well as the address of the refugees of Khojaly to the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe.*

The Permanent Mission of the Republic of Azerbaijan would highly appreciate the circulation under agenda item 9, "Question of the violation of human rights and fundamental freedoms in any part of the world", of the present note verbale and the attached information as an official document of the sixtieth session of the Commission on Human Rights.

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

Annex

PRESS RELEASE

"TWELFTH ANNIVERSARY OF KHOJALY GENOCIDE"

On February, 26 people of Azerbaijan commemorates the twelfth anniversary of Khojaly genocide.

Twelve years ago, over the night from 25 to 26 February 1992 the Armed Forces of the Republic of Armenia with the support of the infantry guard regiment № 366 of the former Soviet Union implemented the capture of Khojaly city situated in the Nagorno-Karabakh region of the Republic of Azerbaijan.

The occupation of Khojaly city mainly populated by Azerbaijanis was accompanied by particular brutally implemented carnage over the peaceful population of the city. Brutal annihilation of hundreds of blameless inhabitants of Khojaly is one of the most heinous crimes against the people of Azerbaijan as well as the unprecedented atrocity against humanity in the whole.

As a result of genocide carried out by the Republic of Armenia in Khojaly 613 persons were killed and 1 275 peaceful inhabitants taken hostage. Among those killed were 106 women, 83 children and 70 elderly people. The fate of 150 persons remains unknown to this day. In the course of the tragedy 487 peaceful inhabitants were more or less severely maimed. The maimed included 76 children not yet of age. 6 families were completely wiped out, 26 children lost both parents, and 130 children-one of their parents. One of those who perished, 56 persons were killed with especial cruelty: by burning alive, scalping, beheading, gouging out of eyes, and bayoneting of pregnant women in the abdomen. This tragedy by its scale and features are in full conformity with the notion of genocide defined by provisions set forth in the Convention "On Prevention and Punishment of Crime of Genocide" adopted by the UN General Assembly resolution 260 (III) dated December 9, 1948.

The responsibility for this wholesale slaughter fully lies with the leadership of the Republic of Armenia which denies its responsibility for crimes committed against the population of Khojaly. This fact is considered as an another attempt of Armenia to distort the reality and historical evidence and mislead the international community. Some extracts from human rights protection organizations reports and mass media articles given below represent

independent and impartial views with respect to the Khojaly genocide and thus prove Armenia's mendacity to this end:

"I had heard a lot about wars, about the cruelty of the Fascists, but the Armenians were worse killing five and six-year-old children, killing innocent civilians" (French journalist, Jean-Yves Junet); "About 1 000 of Khojaly's 10 000 people were massacred by the Armenian Army in Tuesdays attack" (The Washington Times, 2 march 1992); "... Mass murders of peaceful inhabitants in the zone of "the free corridor" and adjacent territory cannot be justified by any circumstances" (the report of "Memorial" Human Rights Watch Center).

The Khojaly genocide is a continuation and bloody page of the ethnic cleansing and terrorist policy that have been progressively pursued by the Armenian chauvinist-nationalist against the Azerbaijanis approximately for 200 years. Today, the truth on Khojaly genocide and all Armenian atrocities in the Nagorno-Karabakh region of Azerbaijan should be recognized as they are and with their total scale and brutalities. The internationally lawful and political appreciation of the tragedy and the punishment of the ideologists, organizers and executors in a proper manner is an important term in order to avoid such barbarous acts against the humanity in the whole in the future. There is no and cannot be crime without punishment.

February 26 was declared by the Milli Majlis (Parliament) of the Republic of Azerbaijan as the "Day of Khojaly genocide". Every year at 5 p.m on February 26 people of Azerbaijan revere memory of Khojaly victims by minute of silence.

Geneva, 24 February, 2004

Unofficial translation

Address of the refugees of Khojaly to the United Nations Organization, Council of Europe, and Organization for Security and Cooperation in Europe

Our aim in applying to the United Nations Organization, Council of Europe, and Organization for Security and Cooperation in Europe which are influential international organizations of the world, is to bring to the attention of the world community truth on Khojaly genocide committed by Armenians in Nagorny Karabakh region and to demand legal-political evaluation of this bloody crime.

It is known to everybody who is a little bit familiar with the history of Azerbaijan that Khojaly, town which is located in the mountainous part of Karabakh is one of the oldest centers of population of Azeris. Rare exhibits and unique historical monuments found here during the archeological excavations are the visual evidences of aforementioned facts.

Armenians, who have built up monument in 1978 devoted to the 150th anniversary of their flow from Iran to Azerbaijan carried out consistent occupation policy against Azerbaijan with the assistance of their foreign supporters in order to implement the virtual idea of establishing "Great Armenia" at the expense of historical Azerbaijan territories and from time to time perpetrated terrible offences like horrible terror, mass slaughter, deportation and genocide in order to achieve this insidious aim.

Numerous historical documents testify that in 1905-1907, 1918-1920, 1948-1953 in the Caucasus millions of Azeris suffering from the policy of ethnic cleansing and genocide were massacred massively and subjected to the deportation from their ancient lands.

At last since 1988 groundless territorial claims against Azerbaijan and Armenian separatism rose again and led to Nagorno Karabakh instigation that had no historical, ethnic and political ground. In 1988-1989 more than 250 thousands of Azeris living in their ancient lands in Armenia were subjected to the deportation and during this time hundreds of civil population were brutally killed. As a result Armenia turned into mono-ethnic country of which Armenians had been dreaming over years.

It is deplorable that Nagorno Karabakh conflict which began since 1988, the rule of Armenian reaction in the territories of Azerbaijan and bitter agony of innocent Azerbaijani victims of this reaction were met with indifferent silence by the former USSR leadership and civil world. Being inspired by and using this situation Armenians succeeded in perpetration of genocide and unprecedented historical crimes against Azeris. 20% of Azerbaijan territories, including 7 adjacent regions that are behind Nagorno Karabakh administrative division were occupied by the Armenian military units, more than 1 million of Azerbaijanis were expelled from their ancient lands, 10 thousands of people were killed, disabled and were taken as hostages. Hundreds of settlements, thousands of public-cultural buildings, education and medical establishments, historical-cultural monuments, mosques, saint worships, cemeteries were destroyed and became subject of unprecedented Armenian vandalism.

In the first years of the conflict tragedies, terrors and massacres in the Azeri villages of Nagorno Karabakh, such as Karkijahan, Mesbali, Qushohular, Qaradagly, Agdaban and at last Khojaly genocide are historical crimes that will remain in the conscience of a "humble and martyr Armenian" as perpetual black spot.

We inform you with bitter regret that Khojaly genocide of 26 February 1992 is added to the row of such human tragedies like Khatin, Khirosima, Nagasaki, Songmi, too.

At night of 25-26 February 1992 Armenian military units with the direct participation of 366th regiment belonging to the former USSR and at that time located in Khankendi (Stepanakert) of Nagorno Karabakh region attacked from five directions Khojaly town where approximately seven thousands of Azerbaijanis were living. (During the attack three thousands people were in the town). Up to that time Khojaly was kept in full encirclement for more than four months, people were suffering of lack of medical service and food. There were many sick, injured, old people, women and children in the town.

Unbridled Armenian brigands devastated Khojaly with the assistance of their foreign supporters that night. Town was destroyed and burnt with the help of hard military technique pertaining to 366th regiment. Unarmed civil population was subjected to terrible massacre - children, women, old and sick people were brutally killed. At the end of XX century Armenians committed another historical crime - Khojaly genocide, which is a black spot for mankind. The purpose of this savage act was massacre of all population of the town. But by some occasions many Khojaly inhabitants survived to testify history.

As a result of Khojaly genocide - next genocide of Armenians against Azeris 613 persons were massacred, 1275 civil persons were taken as hostages. The fate of 150 persons of them is not known up today. As a result of the tragedy more than 1000 civil persons were injured with bullet wounds. Among killed persons 106 were women, 83 children, and 70 old people. 76 of invalided persons are minor boy and girls.

As a result of this political-military crime 6 families were killed entirely, 25 children lost both parents and 130 children lost one of the parents. 56 persons of the martyrs were burnt alive with the special severity and brutality, their head skins were stripped, heads were cut, eyes were exerted, pregnant women's stomachs were riddled with the bayonets.

It is even hard to imagine that such an unprecedented cruelty and savagery committed by the human beings took place in XX century in front of the eyes of the world! Whereas the world must be aware: the author of this historical crime targeted not only against Azerbaijanis, but also against the whole civilized humanity is a "humble and martyr Armenian".

It is already 12 years that we, the population of Khojaly, who are subjected to the refugee life, appeal with heart pain and also with great hope to all peaceful people of the world, and international organizations. We request you not to treat indifferently and in cold manner to disasters and grieves that we suffered from Armenian military aggression. We do not believe that the most influential organizations of the world like

UNO, OSCE, and the Council of Europe, peaceful powerful countries are not able to urge aggressor states - Armenia to obey the justice and order.

We declare our confidence that the world community will denounce the military aggression of Armenia against Azerbaijan, will assist to the promotion of the territorial integrity of Azerbaijan, return of more than 1 million of refugees to their native lands, resolution of Azerbaijan-Armenian conflict peacefully and on the basis of historical-political justice.

We, the population of Khojaly, met the horrible terror tragedy of 11 September 2001 in the United States that resulted in death of thousands of innocent people with deep grief sense. Although it is very painful, this awful universal tragedy returned us to the bloody 26 February 1992. Because we and thousands of Azerbaijani refugees suffered the disaster that took place in the US in our own fate and today we are living difficult and torturing refugee life in wagons, tents, undergrounds, cellars.

We, the population of Khojaly who suffered one of the most horrible disasters of the XX century call all people of the world to struggle for peace and tranquility. We call all international organizations and peaceful, influential states of the world to mobilize for extinguishing of hotbed of wars in the world, to struggle for living in peace and tranquility, day by day thriving free, happy human society!

We - witnesses of Khojaly genocide who have survived as a result of miracle ultimately denouncing all forms of genocide and terror acts against humanity appeal once more to UN, Council of Europe and OSCE, the progressive world community and bring to their attention the necessity of legal-political evaluation of Khojaly genocide.

Address was adopted in the meeting of
Khojaly refugees of 12 February 2004.

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12 February 2004