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Human rights situations that require the Council's attention

Note verbale dated 6 September 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 8 August 2011 of the Permanent Mission of Armenia to the United Nations and other international organizations in Geneva circulated as document A/HRC/18/G/3.

It is not the first time that the author of this letter has tried to blame Azerbaijan for alleged “anti-Armenian propaganda” and “circulation of misinformation”. However, such resentment is obviously irrelevant against the background of the continuing illegal occupation of territory of the Republic of Azerbaijan by Armenia, its unconcealed annexationist intentions and apparent disregard for the position of the international community.

The constant disrespect shown by the Armenian leadership towards my country in a most obvious and shameless manner flows from the very letter and spirit of the correspondence of the Permanent Representative of Armenia, whereas he must have confused the internationally recognized name of the Republic of Azerbaijan with those of “Azeri” and “Azerbaidjan”.

It seems that the Permanent Representative of Armenia is unaware of the fact that the United Nations Children's Fund (UNICEF) has already condemned the recent killings of Azerbaijani children by the Armenian side as a blatant and flagrant violation of Convention on the Rights of the Child.¹ This once again testifies to the manifestation of the stubbornly persistent reluctance by the Republic of Armenia to respect its obligations under the Charter of the United Nations and other international law instruments and makes continuous attempts to draw the attention of the international community from the real facts on the ground.

¹ See <http://en.apa.az/news.php?id=154208>, “UNICEF representative condemns Armenians for killing of two Azerbaijani children”
<http://www.news.az/articles/society/32994>, “UNICEF condemns boy's murder”.

It should be noted that the lopsided interpretation of the international legal principle of the right of peoples to self-determination by Armenia, being in clear contravention of the existing international legal instruments and norms, has been unequivocally qualified by the Security Council and the General Assembly as well as by other authoritative international organizations which endorsed the territorial integrity and sovereignty of the Republic of Azerbaijan, as an illegal use of force against the Republic of Azerbaijan. Thus, the four Security Council resolutions, respective resolutions of the General Assembly, the Parliamentary Assembly of the Council of Europe and of the European Parliament recognize the occupation of the Nagorno-Karabakh region of the Republic of Azerbaijan and its surrounding districts and call for an immediate withdrawal of all occupying Armenian forces from these territories and recognition of the rights of Azerbaijani internally displaced persons to return to their homes.

By claiming through its unconvincing attempts that Azerbaijan avoided establishing any investigative mechanism to look into ceasefire violations, Armenian propaganda falls into its usual forgetfulness. Therefore, the Permanent Representative of Armenia should be reminded of his country's non-abidance by the aforementioned resolutions of the international organizations.

While mentioning the mass killings of the inhabitants of Azerbaijani town Khojaly by the armed forces of the Republic of Armenia, the Armenian side glosses over in silence that in its judgment of 22 April 2010 concerning the case of E. Fatullayev, the European Court of Human Rights determined that the acts of particular gravity committed by the Armenian military forces against the Azerbaijani civilian population of Khojaly might amount to war crimes and crimes against humanity.

In order to justify its own claims, Armenian propaganda repeatedly continues to stubbornly refer to disturbances in some Azerbaijani cities at the end of the 1980s. At the same time, it would be more useful if the officials in Yerevan could clarify the role of the Armenian nationalistic circles in provoking those events and the purposes they pursued in doing so. Thus, one of the leading figures during the events in the city of Sumgait, which resulted in the death of 26 Armenians and Azerbaijanis, was a certain Edward Grigorian, an Armenian and native of Sumgait. Depositions by witnesses and victims show that he had a list of flats inhabited by the Armenians and, together with three other Armenians, called for reprisals against the Armenians, in which he took part personally. His victims (all Armenians) identified Grigorian as one of the organizers and active figures in the violence that occurred in Sumgait. The court found Grigorian to be one of the organizers and active participants in the Sumgait disturbances and sentenced him to 12 years' imprisonment.²

Today there is not a single Azerbaijani remaining in Armenia, down from more than half a million Azerbaijani people who lived there when Soviet rule was established in the region. Instead of groundless allegations regarding the events at the end of the 1980s, it would be appropriate if the Armenian authorities could recall that their law-enforcement bodies had not brought any criminal proceedings against a single person for the brutal killing of hundreds of Azerbaijanis in the course of the forcible deportation of the nearly 250,000 Azerbaijanis from Armenia in 1987-1989, as well as for other horrible atrocities committed against the Azerbaijani population on the eve of and during the war in Qapan (Qafan), Boyuk Qarakilse (Quqark), Mehri (Megri), Armenia and the occupied Azerbaijani city of Askeran.³ In fact, the Sumgait events, being necessary to Armenian propaganda as a means of launching an extensive anti-Azerbaijani campaign and justifying the ensuing

² See <http://www.sumqait.com/en/delo>, "On the criminal case against E. Grigoryan and others in connection with the clashes that occurred in the city of Sumqayit on 27-29 February 1988".

³ Thomas de Waal, "Black Garden: Azerbaijan and Armenia. Through peace and war", 2003, p. 62.

aggressive actions against Azerbaijan, have been planned and prepared in advance by the Armenian ideologists and their external supporters.

It is necessary to point out that while accusing Azerbaijan of “hate and intolerance towards Armenians”, Armenia disregards the fact that, Armenia itself has purged its territory of all non-Armenians and become a uniquely mono-ethnic State. As it was reflected in the UPR report of Azerbaijan,⁴ Armenians currently live in Azerbaijan even after the Armenia-Azerbaijan conflict which resulted in the occupation of 20 per cent of the internationally recognized territories of the Republic of Azerbaijan and emergence of the refugees and the IDPs.

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 recent discussions with the Organization for Security and Cooperation in Europe (OSCE) Office in Baku, the officials of this organization stated Azerbaijan should take pride that, despite the fact that ethnic Armenians are included in the risk group in Azerbaijan, the Office has not received any information or complaint with regard to discrimination against them or their suppression. This once more shows that Azerbaijan preserved its ethnic diversity to the present day. Instead of accusing Azerbaijan of “discrimination against Armenians in Azerbaijan”, I would suggest the Permanent Representative of Armenia to advise his Government to exercise some degree of self-evaluation in the field of human rights.

Along with the intentionally persistent attacks on Azerbaijani civilians and civilian objects across the front line, the Armenian leadership long ago revealed its real intentions towards my country through its inflammatory and hostile rhetoric. In one of the recent events, the President of Armenia, Serzh Sargsyan displayed his already known ability, transcending any heights of impudence, called for the Armenian young generation to continue the implementation of the policy of hatred and mistrust among the peoples of the region.⁵ Thus, in response to a question posed by one of the students about the perspectives of expanding Armenia’s territory at the expense of neighbouring Turkey, Serzh Sargsyan said that the realization of this duty would depend on the efforts of the new generation and cited as an example the fulfilment of the task of capturing a part of what he called “our fatherland - Karabakh”. These ideas expressed by the head of the Armenian State, displaying how far Armenia is from the constructive search for peace in the region, speak for themselves. Instead of preparing its people for peace, friendship and cooperation with the neighbouring nations, the President of Armenia is continuously conveying the odious and aggressive ideas of hatred and enmity which in its turn incites the youth and new generations of Armenia to hostility and violence.

It is curious that Armenia, the country which bears primary responsibility for unleashing the policy of aggression against Azerbaijan and committing the most grave crimes of international concern during the conflict, has the insolence to blame the victim of aggression. The Permanent Representative of Armenia went as far as considering it unethical to circulate information about the unprecedented and heinous killing of the innocent Azerbaijani girl by the Armenia-made booby-trap toy. At the same time, it is well known that the Armenian leadership proved more than once, both by words and deeds, that such notions as ethics and humanism are alien to it.

⁴ A/HRC/WG.6/4/AZE/1.

⁵ <http://www.president.am/events/visits/eng/?visits=2&id=290>, accessed 2 September 2011, a meeting with the participants of the fifth Pan-Armenian Olympiad for the Armenian Language, Literature and Armenian Studies, held in Gara Chickek (Tsakhkadzor), Armenia, on 25 July 2011.

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.

I would highly appreciate it if you could kindly circulate my letter as an official document of the eighteenth session of the Human Rights Council under agenda item 4.

Please accept, Excellency, the assurances of my highest consideration.

(signed)

Dr. Murad N. Najafbayli

Ambassador, Permanent Representative
