

DELEGATION OF THE REPUBLIC OF AZERBAIJAN

Position paper on policy of discrimination and hatred that leads to committing hate crimes

In view of the discussions under agenda item 6 (b) of the 14th United Nations Congress on Crime Prevention and Criminal Justice, entitled "International cooperation and technical assistance to prevent and address all forms of crime: new and emerging forms of crime" the delegation of the Republic of Azerbaijan would like to draw the attention of the distinguished delegates of the UN Member States to the following:

Azerbaijan welcomes the adoption of Kyoto Declaration at the 14th UN Congress on Crime Prevention and Criminal Justice that envisages concrete actions by the UN Member States to advance responses addressing crime prevention, criminal justice, rule of law and international cooperation.

The Declaration encompasses wide range of issues, including development of effective strategies against hate crimes through, *inter alia*, enhancing the capacity of criminal justice professionals for preventing, investigating and prosecuting such crimes.

Azerbaijani delegation is of the view that crimes committed or incited on the ground of ethnic hatred or discrimination of any kind must be prosecuted. Impunity enjoyed by the perpetrators of such crimes may encourage the others to repeat the same. The recent war between Azerbaijan and Armenia starting from 27 September 2020 was an obvious example of that. Inspired by the impunity enjoyed for 28 years for committing Khojaly Genocide of 1992, Armenian authorities again employed terrorist tactics aimed at mass killings of Azerbaijanis through the reckless and brutal bombardment of the densely populated civilian settlements of Azerbaijan, including Ganja, Barda and Tartar cities located outside the conflict zone with the use of heavy artillery and missiles, including ballistic and cluster. As a result of these deliberate attacks, 101 Azerbaijani civilians, including several families as a whole, were killed.

Prominent International NGOs, including Human Rights Watch and Amnesty International confirmed the deliberate targeting of Azerbaijani civilians in Ganja and Barda by Armenia with the use of prohibited weapons ^{1,2,3}.

The Republic of Azerbaijan and Azerbaijanis have been subjected to discrimination of all kinds and hatred on the basis of ethnicity for long years.

The armed conflict between Armenia and Azerbaijan started at the end of 1980s with Armenia's unlawful and groundless territorial claims against Azerbaijan. The claims marked a new phase of assaults on Azerbaijanis, which resulted in their complete

¹ <https://www.hrw.org/news/2020/12/15/armenia-cluster-munitions-used-multiple-attacks-azerbaijan>

² <https://www.hrw.org/news/2020/10/30/armenia-cluster-munitions-kill-civilians-azerbaijan>

³ <https://www.amnesty.org/en/latest/news/2020/10/armenia-azerbaijan-first-confirmed-use-of-cluster-munitions-by-armenia-cruel-and-reckless/#:~:text=Facebook,Armenia%2FAzerbaijan%3A%20First%20confirmed%20use%20of%20cluster%20munitions,by%20Armenia%20'cruel%20and%20reckless'&text=Amnesty%20International%20has%20verified%20the,city%20of%20Barda%20in%20Azerbaijan>

expulsion from the Nagorno-Karabakh region and the seven surrounding districts of Azerbaijan, as well as from Armenia itself, solely because of their ethnic identity. The process of mass expulsion of Azerbaijanis was accompanied by killings, torture, enforced disappearances, destruction of property and pillaging.

As a result of a full-scale war unleashed by Armenia against Azerbaijan in early 1990s, one fifth of the internationally recognized territories of Azerbaijan - the Nagorno-Karabakh region and the seven surrounding districts - were occupied by Armenia. The war claimed lives of tens of thousands of people and ruined cities, towns and villages. Thousands of people went missing in connection with the conflict, and all captured areas were ethnically cleansed of Azerbaijani population. Some of these acts that constitute war crimes also amount to the crime of genocide, as ethnic Azerbaijanis have been targeted because of their nationality and/or ethnicity.

Inspired by the ideology of creating "Greater Armenia", Armenian nationalists carried out a series of bloody massacres against Azerbaijanis between 1905 and 1907 in Azerbaijan, as well as Azerbaijani villages located in the territory of present-day Armenia. Hundreds of Azerbaijani settlements were destroyed and razed to the ground, and thousands of civilians were brutally killed.

Seizing the opportunity of the First World War as well as the February and October revolutions (1917) in Russia, Armenians attempted to carry out their despicable intentions under the protection of the bolsheviks. On 31 March 1918 tens of thousands of peaceful civilians in Shamakhi, Guba and other cities, as well as in Baku province were killed on ethnic and religious grounds, settlements were destroyed, cultural monuments, mosques and cemeteries were razed to the ground. In the later stages, Armenian nationalists continued their barbaric acts, carrying out mass killings, looting and ethnic cleansing in Karabakh, Zangazur, Nakhchivan, Shirvan, Irevan and other regions.

Genocidal policy of Armenian authorities against Azerbaijanis continued even a bloodier manner during the aggression of Armenia against Azerbaijan in early 1990s. Occupation by Armenia of civilian settlements of Azerbaijan during the course of the war in 1991-1994, without exception, was accompanied by deliberate killing and maiming of civilians because of their ethnic identity.

Massacres of Azerbaijanis in Khojaly (1992), Garadaghli (1992) and Balligaya (1992) towns of Azerbaijan were vivid examples of this harsh discrimination policy.

The largest massacre during the conflict was committed in 1992 against the civilians and defenders of the town of Khojaly, in the Nagorno-Karabakh region of Azerbaijan. As a result of the attack and capture of the town, 613 civilians were killed, including 106 women, 63 children and 70 elderly people because they were Azerbaijanis. Another 1,000 people were wounded, and 1,275 people were taken hostage. To this day, 150 people from Khojaly remain missing. The town of Khojaly was chosen as the first step in the further occupation and ethnic cleansing of Azerbaijani territories, aimed at spreading terror in the hearts of people, panic and fear caused by the horrifying massacre.

Intentional targeting of Azerbaijani civilians continued after the establishment of ceasefire in 1994, which included deliberate killing of civilians residing across the line of contact, abduction and kidnapping.

Armenia has committed genocide not only against Azerbaijanis, but also the cultural heritage of Azerbaijan. The recent de-occupation of Azerbaijani territories from Armenian occupation has confirmed that Armenia has during the years of occupation taken consistent steps to erase the tracks of Azerbaijani cultural heritage therein for the purpose of falsifying the historical background of those territories.

Around 1 million of forcibly expelled Azerbaijanis have been prevented by Armenia from returning to their native places. Armenia was settling ethnic Armenians in the occupied territories, thus changing their character, which is prohibited under international humanitarian law. As stated in the Report on war crimes in the occupied territories of the Republic of Azerbaijan and the Republic of Armenia's responsibility⁴, "Armenia has repeatedly violated the rules concerning forced displacement and the rights of displaced persons, with at least some of its conduct rising to the level of war crimes and/or what may properly be characterized as "ethnic cleansing".

The Armenian policy for implanting ethnic Armenian settlers in the occupied territories has involved various incentives being provided to Armenians who settled in the territories, such as free housing, social infrastructure, inexpensive or free utilities, low taxes or tax exemptions, money and livestock, newly built houses, plots of land, and advantageous loans.

Over the course of the conflict, Armenia has engaged in pillage, destruction and misappropriation of the property of Azerbaijanis in the occupied territories. In a report from September 2005, the Crisis Group Europe stated that "[t]he privatization of land and business has been largely carried out without the participation of former Azeri inhabitants, which is likely to make the return of IDPs and the reintegration of Nagorno-Karabakh with Azerbaijan all the more difficult"⁵. Land and public utilities in the occupied territories were largely privatized, with no share whatsoever being allocated to or reserved for the original Azerbaijani inhabitants of the territory, who were forcibly expelled.

Armenia has been propagating anti-Azerbaijani discourse among the children in order bring them up with hatred against Azerbaijanis.

Anti-Azerbaijani sentiment has been absorbed to all layers of society in Armenia. Armenian children are brought up by hatred against Azerbaijanis. Compelling the schoolchildren to insult the national flags of Azerbaijan and Turkey in their first school day has become an ordinary practice in this country.

⁴ The report was circulated as a document of the United Nations General Assembly and of the Security Council - A/74/676-S/2020/90

⁵ Crisis Group Europe Report No. 166, Nagorno-Karabakh: Viewing the Conflict from the Ground (14 September 2005)

Kids are being recruited to the armed forces of Armenia for fighting against Azerbaijan. There are significant numbers of evidences attesting these facts.

Armenia has failed to pursue a policy of eliminating racial discrimination and instead disseminating, including in public statements by high-ranking officials and via its media and educational institutions, false narratives and racist propaganda intended to stoke ethnic and national hatred of Azerbaijan and its people, and to promote the superiority of Armenia and Armenians.

Armenian leadership has unconcealed conviction on “ethnic incompatibility” between Armenians and Azerbaijanis. While such an odious concept has been part and parcel of the long-standing ideology followed in Armenia, this specific phrase was used for the first time in a statement of Robert Kocharian when he was the President of Armenia⁶.

During the escalation Armenian officials were repeatedly making statements distorting the nature of the conflict. The racially-charged statements were aimed at further inciting hatred and discrimination against Azerbaijanis based on religious and ethnic grounds. Thus, Armenia’s Chief of Staff of the Armed Forces, General Onik Gasparyan in his appeal to the Armed Forces under his command stated on September 27, 2020 that “it is time to show ... boundless hatred for the remnants of the nomadic and barren tribe”⁷.

On September 30, 2020, Armenian Ministry of Defense spokesman Artsrun Hovhannisyan stated in a straightforward manner that “the world's first crusaders, torchbearers of civilization are fighting to the death against darkness and evil”.

Armenia’s Prime Minister Nikol Pashinyan in an interview on October 2, 2020 has framed the recent military hostilities between Armenia and Azerbaijan as “civilizational frontline” clash, in other words as clash between “Christian Armenia” and “Muslim Azerbaijan”⁸.

The former Minister of Defence and President of Armenia, Serzh Sargsyan, who had previously been a senior commander of the unlawful armed groups in the occupied territories of Azerbaijan, which had participated in the seizure of Khojaly town of Azerbaijan in 1992 and mass killings of its Azerbaijani inhabitants, said the following in an interview⁹: “Before Khojaly, 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 needed to put a stop to all that. And that’s what happened”. In reply to a question whether things could have happened differently and whether he had any regrets about the death of thousands of people, S. Sargsyan responded without remorse that “he has absolutely no regrets”, since “such upheavals are necessary, even if thousands have to die”.

⁶ <https://www.azatutyun.am/a/1570666.html>

⁷ <https://armpressmedia.com/the-message-of-the-chief-of-the-general-staff-of-the-ra-armed-forces-onik-gasparyan/>

⁸ <https://jamestown.org/program/armenian-azerbaijani-conflict-clash-of-civilizations/>

⁹ <https://carnegieeurope.eu/2012/02/24/president-interview-and-tragic-anniversary-pub-47283>

Jirair Libaridian, who was chief adviser to the first President of Armenia, Levon Ter-Petrossian, at the time of the Khojaly massacre, admitted that it was “very difficult for an Armenian to write about Khojaly” because “something unacceptable did happen, something that involved killings and mutilation of Azeri civilians by Armenian forces in Karabakh”¹⁰.

In fact, such narratives of Armenian officials are not a new phenomenon. It derives from the ideas of Garegin Nzhdeh who is considered to be the founder of Armenia’s national ideology. Nzhdeh was inspired by the Nazism in developing his ‘tsegakron’ (literally ‘race-religion’) ideology based on the devotedness to the Armenian ‘race’. The attachment of Armenia to these ideas is vividly evidenced in glorification of Nzhdeh, who was a Nazi collaborator, in Armenia.

The Republic of Azerbaijan hopes that the window of opportunity opened following the 10 November Trilateral Statement that put an end to decades-long conflict between Armenia and Azerbaijan will contribute to reconciliation efforts and pave the way for sustainable peace in the region.

The Republic of Azerbaijan is confident that pursuant to the relevant provisions of the Kyoto Declaration, the UN Member States will undertake necessary measures within their national criminal justice systems to prevent crimes committed on the ground of ethnic hatred or discrimination of any kind.

¹⁰ <https://www.opendemocracy.net/en/armenian-perspective-on-khojali/>