

**Reply by the Delegation of the Republic of Azerbaijan to the non-paper
circulated by the Armenian Delegation on 7 October 2008**

It is impossible to remain silent after reading the document submitted by Armenian delegation for distribution which is full of misstatements and groundless arguments about Azerbaijan and its policy. So, let us mention the true facts:

Reading the statement made by Armenian delegation that cites the UN Charter and the Declaration on Principles of International Law – “a war of aggression constitutes a crime against the peace, for which there is responsibility under international law...” one would think that Azerbaijan is the aggressor. But, on the contrary aggressor is Armenia that has occupied and wants to annex 20% of Azerbaijan’s sovereign territories – including Nakorno Karabakh and seven surrounding regions of Azerbaijan, which is recognized as such by UN, the USA, the Russian Federation and all other members of OSCE and the world, except Armenia itself. At the same time not an inch of Armenian territory has been attacked or sought by Azerbaijan during six years of conflict totally within the territory of secular, multi-ethnic Azerbaijan, which strictly observes the rights of more than 70 ethnic groups – including Russians, Armenians and Jews.

Furthermore, talking about the violation by Azerbaijan of its obligations assumed under international instruments, the Armenian delegation forgets to mention UN Security Council Resolutions #822, 853, 874 and 884 (1993) which demand unconditional and immediate withdrawal of occupying forces from occupied Azerbaijani territories.

Armenia should not overlook that the most telling refutation of its mendacious allegations of Azerbaijan in anti-Armenian propaganda and hate dissemination is undoubtedly the fact that, unlike Armenia, which has purged its territory of all Azerbaijanis and other non-Armenians and became a uniquely mono-ethnic State.

Azerbaijan has worldwide recognized record of tolerance and peaceful co-existence of various ethnic and religious groups. This tradition is routed in the country’s geographic location at the crossroads between East and West, which created opportunities for the Azerbaijani people to benefit from cultural and religious values of different cultures and religions. In recognition of this culture of tolerance in Azerbaijan His Holiness Pope John Paul II during his visit to Azerbaijan in 2002 said: “From this country, which has held and still holds tolerance as a primary value of all wholesome life in society, we wish to proclaim to the world: enough of wars in the name of God!”. Likewise, United Nations Special Rapporteur on freedom of

religion or belief, Asma Jahangir in her report dated 18 October 2006 (A/HRC/4/21/Add.2) stressed that Azerbaijan is a country where there is generally a high level of religious tolerance and, despite there being an overwhelming majority of Muslims, real religious harmony.

An important circumstance characterizing the situation of minorities in Azerbaijan and the adherence of our State to the principles of democracy and respect of human rights and fundamental freedoms is the fact that, despite the aggression of Armenia against Azerbaijan and expulsion of all Azerbaijani population from their native lands in Armenia, where they lived long before Armenians for the first time appeared there, today Azerbaijan has about 30,000 Armenians, excluding those in Nagorno Karabakh region of Azerbaijan.

The attitude of the Azerbaijanis towards Armenians is predetermined by the continuous massive deportation of Azerbaijanis from their homelands in Armenia and territorial claims to the Nagorno-Karabakh region of Azerbaijan. Not being satisfied by gaining about 20,000 sq.km mostly at the expense of Azerbaijani lands due to “sovietization,” carrying out ethnic cleansing, resettling Armenians from abroad and obtaining autonomy status for the mountainous part of Karabakh within Azerbaijan, Armenia didn’t retract its demands of the inclusion of Karabakh – under the pretext of claims on the mountainous part – and Nakhchivan into Armenia. This led to expulsion of the remaining 200,000 Azerbaijanis in 1988 from Armenia. According to the 1979 Soviet census of population, 160,841 Azerbaijanis lived in Armenia and 475,486 Armenians resided in Azerbaijan, however, although 390,505 Armenians continued living in Azerbaijan in 1989, no Azerbaijani lived in Armenia at that time.

The Parliamentary Assembly of the Council of Europe in its Resolution 1416 (2005) states that “considerable parts of the territory of Azerbaijan are still occupied by Armenian forces and separatist forces are still in control of the Nagorno-Karabakh region”. Further, the Parliamentary Assembly expresses “its concern that the military action, and the widespread ethnic hostilities which preceded it, led to large-scale ethnic expulsion and the creation of mono-ethnic areas which resemble the terrible concept of ethnic cleansing”.

Hatred towards the Azerbaijanis has been proclaimed as the state policy in Armenia. Thus, the former President of Armenia Robert Kocharian is famous for his notorious statement in 2002 at the Parliamentary Assembly of the Council of Europe that the Azerbaijanis and the Armenians can not live together because they are ethnic incompatible. This declaration was strongly condemned by the international organizations and the Secretary General of the Council of Europe Walter Schwimmer voiced his regret about it on January 30, 2003.

Azerbaijan is subject to Armenian propaganda which is directed at diverting of international community from the real situation on the ground. Instead of accusing other States, including first of all multiethnic ones, in pursuing the “discriminatory

policies with regard to ethnic minorities”, it should be useful for the Government of Armenia to analyze the state of implementation of its own international obligations in the field of human rights and, in particular, to draw more attention to the conclusions and recommendations of the human rights treaty monitoring bodies on its periodic reports. Thus, it seems expedient in this regard to refer, amongst others, to the CERD, which in its concluding observations on the first periodic report of Armenia under the International Convention on the Elimination of All Forms of Racial Discrimination had expressed its concern, *inter alia*, “about the view expressed in the State party report that Armenia is a mono-ethnic State, and the inconsistency of this notion with the existence of several national and ethnic minorities” (A/57/18, para. 275, part C). This fact once again proves the validity of discriminatory policies of the Government of Armenia, which intends to continue carrying out the well-planned ideology based on the “Armenia - for Armenians only” slogan.

Moreover, the human rights treaty monitoring bodies have repeatedly expressed their concerns about the spirit of intolerance prevailing in Armenia and the discriminatory policies and practices pursuing in this country against ethnic and religious minorities, refugees and asylum seekers, women and children (A/57/18, paras. 277, 278, 280, 282, 283, part C; CRC/C/15/Add.119, paras. 24, 32, 46, 48, parts D.3, D.5., D.8.; CCPR/C/79/Add.100, paras. 14, 15, 16, part C; CESCR, E/C.12/1/Add.39, para. 10, part D).

As for the cultural heritage, well-documented evidences testify on the consistent policy of Armenia aimed at deliberate destruction of Azerbaijani historical and cultural monuments and altering unique architectural features of the towns and settlements in Armenia and in the occupied territories of Azerbaijan with a view to removing any signs heralding their Azerbaijani origin. By these actions Armenia once again demonstrates violations of the international law, in particular, the 1954 Hague Convention for the Protection of Cultural Property.

In this regard, Azerbaijan spared no efforts to draw attention of the international community to the alarming developments around its historical and cultural monuments during the armed conflict with Armenia and subsequent occupation of a part of the Azerbaijani territory. Azerbaijan has repeatedly appealed to different international organizations, including the Council of Europe and UNESCO, with regard to the destruction of Azerbaijani cultural resources both in its occupied territories and in Armenia.

At the time of preparations for the visit of the fact-finding missions, the Armenian side launched a large-scale campaign against Azerbaijan on alleged destruction of so-called Armenian cemetery in Julfa, Nakhchivan Autonomous Republic of Azerbaijan. This is not the first time the Armenian side refers to the tactic of groundless accusations, and the reason for that is obvious, if one looks closer at the atrocities committed by the Armenian troops in the occupied territories of Azerbaijan,

where no single Azerbaijani historic and/or cultural monument has been left undamaged and no holy place escaped desecration. The above-mentioned allegations regarding the Julfa cemetery are yet another attempt to falsify the reality, presenting the victim of an armed aggression and cultural genocide as a perpetrator.