

## **STATEMENT**

### **by the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan concerning the 31<sup>st</sup> anniversary of the tragedy of January 20**

The tragedy of January 20, which was committed 31 years ago as a result of the inhumane and treacherous policy of the USSR leadership against the Azerbaijani people, is engraved in the memory of our people as the night of Black January. It is also a date that demonstrates the struggle, inflexibility and pride of our people, who strive for their freedom and independence.

At that time the people were protesting against the biased policy of the USSR leadership, demanding the investigation of crimes committed against Azerbaijanis in Armenia, also by separatists in Nagorno Karabakh and the punishment of criminals. The massacre of 20 January was committed by the former USSR leadership in order to suppress the people's fair voice, as well as to prevent the possibility of independence of Azerbaijan. The day before the incident, the energy bloc of the Azerbaijan State Television was exploded as a result of a provocation organized by the USSR Committee of State Security in order to hide information about the planned event from the population and the world community in general.

On the night from 19 to 20 January 1990, the Soviet army were deployed in Baku, Sumgait, and other cities and districts of the country without declaring a state of emergency and fired on civilians with various weapons. Armed forces killed 150 unarmed civilians mercilessly regardless of their nationality, age or sex, including children, women and elderly, 744 peaceful, innocent people were wounded in the capital city of Baku and surrounding areas, the hundreds went missing and 841 persons were unlawfully imprisoned. Even the ambulances and physicians carrying the injured persons were opened fire at, therefore medical staff became martyrs or were injured. After declaration of a state of emergency on January 20, 21 people were killed.

Thus, the international law norms and fundamental human rights were grossly violated, a violent crime against humanity was committed against our multinational people which stood in defense of freedom of the homeland and its own rights.

On January 21, 1990 a harsh statement related to these bloody events was made by the National leader Heydar Aliyev in the city of Moscow on behalf of the Azerbaijani people and he demanded legal assessment of the massacre

committed against our people on January 20 and punishment of the perpetrators.

This horrible crime against humanity is a gross violation of the UN Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and other international legal instruments. According to international law, the tragedy of 20<sup>th</sup> January must be interpreted as a crime against humanity. Under Article 7 of the Rome Statute of the International Criminal Court, the following acts interpreted as a crime against humanity: murder; enforced disappearance; persecution on the political, national, ethnic, cultural or gender grounds; torture and other inhumane acts intentionally causing great suffering or serious injury to body or to mental or physical health.

The tragedy of January 20 committed by the Soviet army against our people did not break the will of our people, and the struggle for freedom resulted in the restoration of Azerbaijan's independence in 1991.

At the initiative of the president Heydar Aliyev, who came to power for the second time in 1993 at the request of the people, a special session of the Milli Mejlis was held and this bloodshed was given its political-legal assessment. The date of January 20 has been declared as the National Day of Mourning in our Republic. Every year on this day the martyrs are remembered by hundreds of thousands of people with deep respect.

According to the Presidential Decree, citizens of the Republic of Azerbaijan killed during the tragedy were awarded the honorary title "Martyr of the January 20", as well as state care for persons disabled during the events of January 20, 1990, continues.

It should be noted that at that time, as a result of the support of the Soviet Government to Armenia, ethnic cleansing, genocide was committed against Azerbaijan, twenty percent of our lands were occupied, innocent Azerbaijani population was withdrawn by force from Armenia, also from Nagorno-Karabakh, which is an integral part of Azerbaijan, and seven adjacent districts of the country, which resulted in gross violation of fundamental rights of one million civilians. Refusing to resolve the Armenia-Azerbaijan Nagorno-Karabakh conflict peacefully and seeking to occupy new territories, Armenia committed provocations directed at the positions of our army in July and August 2020, violated the ceasefire in late September 2020 and fired on positions of Azerbaijani Army and civilian settlements. As a result of this, many military servicemen and civilians were killed and wounded, and civilian facilities, including residential buildings, were severely damaged. In response, the Azerbaijani Army under the leadership of Supreme Commander-in-Chief Ilham Aliyev launched a counter-offensive operation on September 27, 2020, and liberated most of our territories from occupation in a short period of time.

On November 10, a historic document was signed formalizing the complete defeat of Armenia. With the liberation of our occupied lands and the opportunity for hundreds of thousands of civilians to return to their ancestral lands, their fundamental rights have been restored.

We would like to note with regret that, despite the gross violation of international legal instruments, as a result of the terrible act committed against humanity, one of the most horrible crimes of the XX century for its nature and scale, January 20 events have not been made international legal assessment so far, those ordering and perpetrators of the bloodshed have not been punished.

There are quite sufficient grounds that events occurred on the 20th January can be interpreted as a crime against humanity, which is one of the gravest types of international crimes according to the principles of international law, as well as to hold criminally responsible the military personnel who committed these atrocities and perpetrators who ordered this massacre, then USSR administration, in particular.

We strongly believe that the perpetrators of this bloody crime will soon be brought to justice by giving an international legal assessment of the tragedy of January 20, 1990.

We urge international institutions and the international community, as a whole, to give legal assessment to this criminal act that is associated with severe violations of human rights and is a breach of international legal norms.

**Sabina Aliyeva**

The Commissioner for Human Rights  
(Ombudsman)  
of the Republic of Azerbaijan

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This Statement is addressed to the UN Secretary-General, UN Security Council, UN Office of High Commissioner for Human Rights, UN Office of High Commissioner for Refugees, UN Human Rights Council, the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, European Union, Council of Europe, Organization for Security and Co-operation in Europe, International and European Ombudsman Institutions, Asian Ombudsman Association, Organization of Islamic Cooperation and the Ombudsman Association of its member states, Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation, European Network of Ombudspersons for Children, International Peace Bureau, foreign ombudsmen and national human rights institutions, embassies of the Republic of Azerbaijan and the foreign embassies in Azerbaijan, as well as to the Azerbaijani Diasporas.