

No:167/18, Comments by Hikmat Hajiyev, Spokesperson of MFA on the fourth anniversary of hostage taking of Dilgam Asgarov and Shahbaz Guliyev by Armenia

Four years have passed since July 11, 2014, when Azerbaijani civilians Dilgam Asgarov and Shahbaz Guliyev were taken hostage by the armed forces of Armenia during their visit to their native lands and graves of their parents in the occupied Kelbajar region of Azerbaijan. Hasan Hasanov who was with them during the hostage-taking, was killed.

Based on false and fabricated accusations made by the illegal regime established in the territories of Azerbaijan occupied by Armenia, a sham trial was held over them, as a result of which D. Asgarov was sentenced to life imprisonment, and Sh. Guliyev - to 22 years imprisonment.

The images of D. Asgarov and Sh.Guliyev before and after their forcible capture clearly demonstrate that they were subjected to inhuman treatment, physical and moral torture during their hostage. As a result of this, D.Asgarov and Sh.Guliyev now suffer from various serious diseases. The Armenian side, deliberately demonstrating through the media its inhuman treatment of them, thereby exerts psychological pressure on members of their families and relatives.

The Republic of Armenia, in blatant violation of the norms and principles of international law and the UN Charter, by use of force occupied Nagorno-Karabakh and seven adjacent regions of Azerbaijan. More than a million Azerbaijanis, among them D. Asgarov, Sh. Guliyev and members of their families, were expelled from their native lands as a result of ethnic cleansing perpetrated by Armenia in seized lands.

Since 1993, D. Asgarov and Sh. Guliyev and their families were forced to live as internally displaced persons. The longing for native places, which is lasting more than 20 years, prompted them to make a selfless step - to visit the occupied lands, and from this point of view their desire to see their native homes and the graves of their parents is quite understandable. Thus, their unlawful arrest by Armenia and the refusal to release are causing great sorrow among relatives, and indignation of Azerbaijani public.

Contrary to the provisions of the Geneva Conventions of 1949 and the Additional Protocols thereto, which prohibit the hostage taking of civilians and require humane treatment of civilians during military conflicts, the Armenian side continues to flagrantly violate these commitments taken at the international level and does not consider the calls of the Azerbaijani side to respect humanitarian law and on a mutual basis immediately to release detained civilians from both sides. By such actions, the Republic of Armenia also continues to seriously violate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination and the Convention for the Protection of Human Rights and Fundamental Freedoms.

The European Court of Human Rights, having established the responsibility of Armenia as the occupying party in the case of "Chiragov and Others v. Armenia". In particular, the Court reaffirmed the right of displaced persons to return to their homes or places of habitual residence and recalled the relevant standards and principles of international humanitarian and human rights law relating to the legal and technical issues surrounding housing and property restitution. In this context, in the Court's view, as reflected in paragraph 195 of the judgment, continued

presence of Armenian a troops and ceasefire breaches is the major obstacle for the Azerbaijanis to return to their homes in the current circumstances.

In accordance with the peremptory norms and principles of international law, the acquisition of territories by force or threat of force can in no way be considered legitimate. This principle is reaffirmed in UN Security Council resolutions 822 (1993), 853 (1993), 874 (1993), 884 (1993) on Armenia-Azerbaijan conflict. The resolutions of the UN Security Council require the immediate, complete and unconditional withdrawal of the occupying forces from all seized territories of Azerbaijan, as well as determine the international humanitarian and legal framework for the settlement of the conflict and reaffirm the right of internally displaced persons to return to their homes.

Armenia, by deliberately firing civilian population and civilian objects by use of heavy weapons along the Line of Contact and Armenia-Azerbaijan border, continuing detention of civilians as hostages, as in the case of D. Asgarov and Sh.Guliyev, demonstrates that the crimes committed by Armenian side during the conflict were not isolated or sporadic acts, but were integral part of Armenia's widespread and systematic policy and practice of atrocities. Numerous war crimes and crimes against humanity committed by Armenia against Azerbaijani civilians during military operations were documented by testimony of eyewitnesses and evidences.

Alongside the Republic of Armenia's responsibility as a State for internationally wrongful acts, violations by Armenia of international humanitarian and human rights law during the conflict amount to crimes under international criminal law.

Armenia, in a demonstrative manner exhibiting inhuman behavior by keeping D.Asgarov and Sh.Guliyev in hostage under grave conditions and taking other infamous actions seriously undermines the efforts for solution of conflict through negotiations and deliberately provokes escalation of situation. This once again shows that Armenia is a country completely remote from civilized norms of behavior.

We urge the entire international community, especially the OSCE Minsk Group co-chair countries, relevant international organizations and non-governmental organizations, guided by the noble principles of humanism, to effectively influence and exert pressure on Armenia for the immediate release of our compatriots held hostage and their reunification with members of their families.

The Republic of Azerbaijan will continue to take all necessary measures for the release of D.Asgarov and Sh.Guliyev.