

# Khojaly tragedy: the perpetrators of the massacre cannot be vindicated

(prepared on the basis of documents distributed by Azerbaijan in international organizations)

After the signing of Gyulistan and Turkmanchai treaties in 1813 and 1828 respectively, a very rapid mass resettlement of the Armenians in the Azerbaijani lands and the subsequent artificial territorial division took place.

Between 1905 and 1907 the Armenians carried out a series of large-scale massacres against the Azerbaijanis. The atrocities began in Baku and then extended over the whole of Azerbaijan and Azerbaijani villages in the territory of present-day Armenia. Hundreds of settlements were destroyed and wiped from the face of the earth, and thousands of civilians were barbarically killed.



Taking advantage of the situation following the First World War and the February and October 1917 revolutions in Russia, the Armenians began to pursue the implementation of their plans under the banner of Bolshevism. Thus, under the watchword of combating counter-revolutionary elements, in March 1918 the Baku commune began to implement a plan aimed at eliminating the Azerbaijanis from the whole of the Baku province. Apart from Baku, solely because of their ethnic affiliation, the thousands of Azerbaijanis were annihilated also in the Shemakha and Guba districts, as well as in Karabakh, Zangezur, Nakhchivan, Lenkoran and other regions of Azerbaijan. In these areas, the civilian population was exterminated en masse, villages were burned and national cultural monuments were destroyed and obliterated.

Following the establishment of the Soviet rule in Armenia in late 1920, the Armenians were presented with a real opportunity to fulfill their age-old dream of creating an Armenian State on the territories of other nations. Over the 70-years of Soviet rule, the Armenians succeeded in expanding their territory at the expense of Azerbaijan and using every possible means to expel the Azerbaijanis from their lands. During this period, the aforementioned policy was implemented systematically and methodically. Thus, in 1920 the Armenians declared Zangezur and a number of other Azerbaijani lands to be part of the territory of the Armenian Soviet Socialist Republic. In 1923 they managed to secure the status of the autonomous province for the mountainous part of Karabakh within the Azerbaijan SSR. Thus, the artificial entity was created at the territory of Azerbaijan, while the Azerbaijani population living in the territory of Armenia at that time had not been granted similar rights.

On the pretext of resettling the Armenians coming from abroad, the Council of Ministers of the USSR adopted on 23 December 1947 and 10 March 1948 special decisions on the resettlement of collective farm workers and the other Azerbaijani population from the Armenian SSR to the Kura-Araks lowlands in the Azerbaijan SSR. Under these decisions, during the period between 1948 and 1953 more than 150,000 Azerbaijanis were forcibly resettled from their historical homelands - the mountainous regions of Armenia - to the then waterless steppes of Mugan and the Mil plateau.

**The current stage of the conflict between Armenia and Azerbaijan may be regarded as having formally begun on 20 February 1988, when the Soviet of the People's Deputies of the Nagorny Karabakh Autonomous Province adopted a decision to petition to the Supreme Soviets of the Azerbaijan SSR and the Armenian SSR for the transfer of the province from the former to the latter.**

Before the adoption of this decision, namely already at the end of 1987, the Azerbaijanis became subject of attacks in Khankendi (during the Soviet period - Stepanakert) and Armenia resulted in a flood of Azerbaijani refugees and internally displaced persons.

On 22 February 1988 near the settlement of Askeran on the Khankendi-Aghdam highway, the Armenians opened fire on a peaceful demonstration by the Azerbaijanis protesting against the above-mentioned decision of the Soviet of the People's Deputies of the Nagorny Karabakh Autonomous Province. Two Azerbaijani youths lost their lives in consequence, becoming the first victims of the conflict.

On 26-28 February 1988 twenty-six Armenians and Azerbaijanis were killed as a result of the disturbances in Sumgait. It is notable that one of the leading figures in these events was a certain Edward Grigorian, an Armenian and native of Sumgait, who was directly involved in the killings and violence against the Armenians and the pogroms in the Armenian neighborhoods. By decision of the Criminal Division of the Supreme Court of the Azerbaijan SSR dated 22 December 1989, Grigorian was sentenced to 12 years' imprisonment. The Court found Grigorian to be one of the organizers of unrest and massacres. 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. In fact, events in Sumgait, being necessary to the Armenian leadership as a means of launching an extensive anti-Azerbaijani campaign and justifying the

ensuing aggressive actions against Azerbaijan, had been planned and prepared in advance.

**In 1988-1989 more than 200,000 Azerbaijanis were forced to live Armenia. During the ethnic cleansing at least 216 Azerbaijanis were killed.**

On 20 January 1990 the Soviet troops were brought into Baku to suppress the popular protests against the unjust and prejudiced policy pursued by the leadership of the former USSR, as well as the incompetent performance of the local leadership. As a result, hundreds of the capital residents were killed or wounded, mutilated and subjected to various forms of physical pressure.

In 1991 central law-enforcement agencies of the then USSR apprehended dozens of the Armenian armed groups that operated outside Nagorny Karabakh. Thus, the Chaykend village of the Khanlar district of Azerbaijan was turned by the Armenian armed groups into a criminal hub from which they bombed and shelled surrounding villages and roads, terrorizing the local Azerbaijani population. From 1989 to 1991, in Chaykend and adjacent areas only 54

people fell victim to the Armenian armed groups. In 1992 Azerbaijan regained its control over the Goranboy district.

At the end of 1991 and the beginning of 1992 the conflict turned into a military phase. Taking advantage of the political instability as a result of the dissolution of the Soviet Union and internal squabbles in Azerbaijan, Armenia

initiated with the external military assistance combat operations in Nagorny Karabakh. The most serious crimes of concern to the international community, such as war crimes, crimes against humanity and genocide, constituting the violation of peremptory norms of international law, have been committed during the conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan.

In February 1992, an unprecedented massacre was committed against the Azerbaijani population in the town of Khojaly. This bloody tragedy, which became known as the Khojaly genocide, involved the extermination or capture of the thousands of Azerbaijanis; the town was razed to the ground. Over the night from 25 to 26 February 1992 the Armenian armed forces with the help of the infantry guards regiment № 366 of the former USSR implemented the seizure of Khojaly - a small town situated in the Nagorny Karabakh region of the Republic of Azerbaijan with the total area of 0.94 sq. km. and the population before the conflict of 23,757.

The inhabitants of Khojaly remained in the town before the tragic night (about 2500 people) tried to leave their houses after the beginning of the assault in the hope of



find the way to the nearest place populated by the Azerbaijanis. But these plans have failed. Invaders destroyed Khojaly and with particular brutality, which violated every norm of common sense, implemented carnage over its peaceful population.

Brutal annihilation of hundreds of blameless inhabitants of Khojaly was one of the most heinous crimes during the armed conflict in and around the Nagorno Karabakh region of the Republic of Azerbaijan. The Armenian armed forces and foreign military units spared virtually none of those who had been unable to flee Khojaly and the surrounding area. As a result, 613 persons were killed, including 106 women, 63 children and 70 elderly people. 1,275

inhabitants were taken hostage, while the fate of 150 persons remains unknown to this day. In the course of the tragedy 487 inhabitants of Khojaly were severely maimed, including 76 children not yet of age. 6 families were completely wiped out, 26 children lost both parents, and 130 children one of their parents. Of those who perished, 56 persons were killed with especial cruelty: by burning alive, scalping, beheading, gouging out of eyes, and bayoneting of pregnant women in the abdomen.

Armenian officials deny their responsibility for the crimes committed during the conflict, including against the population of Khojaly, airily falsifying facts and sharing own interpretations of them, which deviate not only from reality but also from elementary logic. Nevertheless, even the subtlest propaganda will never manage to disprove the facts that speak of a situation diametrically opposite to that represented by the Armenian side.

Apart from the considerable information in possession of the law-enforcement agencies of the Republic of Azerbaijan, the responsibility of Armenia is documented also by numerous independent sources and eyewitnesses of this tragedy.

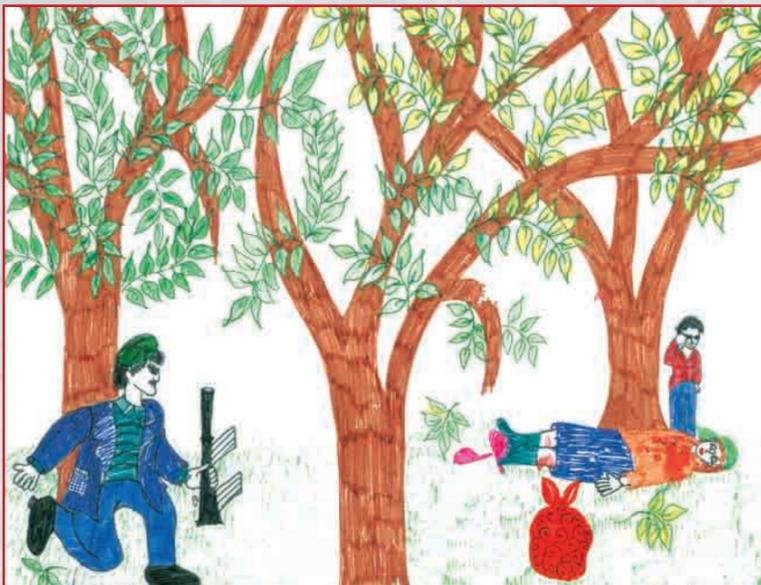
Thus, as Thomas Goltz reported, "the attackers killed most of the soldiers and volunteers defending the women and children. They then turned their guns on the terrified refugees" ("Armenian soldiers massacre hundreds of fleeing families", The Sunday Times, 1 March 1992).

According to Reuters, though "the Republic of Armenia reiterated denials that its militants had killed 1,000 people in the Azerbaijani-populated town of Khojaly

last week and had massacred men, women and children fleeing the carnage across snow-covered mountain passes", "but dozens of bodies scattered over the area lent credence to Azerbaijani reports of a massacre ("Massacre by Armenians being reported", The New York Times, 3 March 1992).

In view of The Times, "more than sixty bodies, including those of women and children, have been spotted on hillsides in Nagorno-Karabakh, confirming claims that Armenian troops massacred Azeri refugees (Anatol Lieven, "Massacre uncovered", The Times, 3 March 1992).

In response to misrepresentation by the Armenian side, Executive Director of the Human Rights Watch/Helsinki Holly Cartner made clear that the



Armenians bore direct responsibility for the civilian deaths in Khojaly, while no evidence supported the argument of the Armenian side that Azerbaijani forces had obstructed the flight of, or had fired on Azerbaijani civilians (Human Rights Watch/Helsinki, 24 March 1997).

Congressman Dan Burton in his speech in the US House of Representatives on 17 February 2005 pointed

out the following: "for years a number of distinguished Members of this House have come to the Floor of this Chamber every April to commemorate the so-called Armenian Genocide - the exact details of which are still very much under debate today almost 90 years after the events. Ironically and tragically, none of these Members has ever once mentioned the ethnic cleansing carried out by the Armenians during the Armenia-Azerbaijan war which ended a mere decade ago. Khojaly was a little known small town in Azerbaijan until February 1992. Today it no longer exists, and for people of Azerbaijan and the region, the word "Khojaly" has become synonymous with pain, sorrow, and cruelty. On February 26, 1992, the world ended for the people of Khojaly when Armenian troops supported by a Russian infantry regiment did not just attack the town but they razed it to the ground. In the process the Armenians brutally murdered 613 people, annihilated whole families, captured 1275 people, left 1,000 civilians maimed or crippled, and another 150 people unaccounted for in their wake... This savage cruelty against innocent women, children and the elderly is unfathomable in and of itself but the senseless brutality did not stop with Khojaly. Khojaly was simply the first. In fact, the level of brutality and the



unprecedented atrocities committed at Khojaly set a pattern of destruction and ethnic cleansing that Armenian troops would adhere to for the remainder of the war...".

In his book "Black Garden: Armenia and Azerbaijan through peace and war" Thomas de Waal makes references to words of the Armenian militaries, who in fact acknowledge their responsibility for crimes committed in Khojaly. Thus, "an Armenian police officer, Major Valery Babayan, suggested revenge as a motive. He told the American reporter Paul Quinn-Judge that many of the fighters who had taken part in the Khojali attack "originally came from Sumgait and places like that" (See Paul Quinne-Judge, "Armenians, Azerbaijanis tell of terror; Behind an alleged massacre, a long trail of personal revenge", Boston Globe, 15 March 1992). But the most important was that the current Minister of Defense Serzh Sarkisian said of what had happened: "before Khojali, 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 were able to break that [stereotype]. And that's what happened. And we should also take into account that amongst those boys were people who had fled from Baku and Sumgait". As Thomas de Waal sums up, "Sarkisian's account throws a different light on the worst massacre of the Karabakh war, suggesting that the killings may, at least in part, have been a deliberate act of mass killing as intimidation" ("Black Garden: Armenia and Azerbaijan through peace and war" (New York & London: New York University Press, 2003)), pp. 169-172).

The facts mentioned above confirm that the intentional slaughter of the Khojaly town civilians on 25-26 February 1992, including children, elderly and women, was directed to their mass extermination only because they were Azerbaijanis. The Khojaly town was chosen as a stage for further occupation and ethnic cleansing of Azerbaijani territories, striking terror into the hearts of people and creating panic and fear before the horrifying massacre.

There can not be true, long-term, sustainable peace without justice, without respect for human dignity, human rights and freedoms. This belief has been affirmed by the United Nations General Assembly, almost half century ago, in the Universal Declaration of Human Rights, which apart from proclaiming that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the

human family is the foundation of freedom, justice and peace in the world", quite correctly pointed out that "disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind" (Universal Declaration of Human Rights, GA res. 217 A (III), 10 December 1948. For text see UN Centre for Human Rights, Human Rights: A Compilation of International Instruments, ST/HR/1/Rev.5, vol. 1 (First Part), New York & Geneva, UN 1994, pp. 1-7, at p. 1).

Conventional rules as well as international instruments concluded within the framework of the United Nations, which require States to "prosecute or extradite", support the argument about existence of the customary obligation under international law to prosecute those who are alleged to have committed crimes against humanity, war crimes and genocide. Further argument precluding the possibility of invoking a State discretion to decide whether to adjudicate or not for the commission of the most serious international crimes is based on the jus cogens nature of international legal norms prohibiting these crimes (A.Yusifova, "Does international law allow societies in transition from conflict or authoritarian government to choose peace at the expense of justice? Should it?", Diplomatiya Aləmi, No. 10 (2005), pp. 151-155). ●

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*Первые массовые переселения армян на азербайджанские территории начались после подписания Гюльстанского и Туркменчайского мирных договоров. С этого времени армяне пытались основать собственное государство на этих землях. На этом пути армяне прибегали ко всем методам, вплоть до политики массового истребления азербайджанцев. Первая массовая резня произошла в 1905-1907гг. В Баку и на территории западного Азербайджана (ныне территория Армении) армяне устроили погромы жертвами которых стали тысячи азербайджанцев. Второй массовый виток резни азербайджанцев пришелся на март 1918г. Мирные жители Баку, Шемахи, Карабаха, Зангезура, Нахичевани и многих других азербайджанских городов и сел стали жертвами кровавой политики армянских националистов. Но самой беспощадной стала Ходжалинская трагедия. 26 февраля 1992г. армянские вооруженные формирования при поддержке 366 мотострелкового полка подвергли массовой резне население небольшого азербайджанского городка в Карабахе - Ходжалы. В результате погибло 613 ни в чем неповинных мирных граждан, включая 106 женщин, 63 ребенка и 70 пожилых. Судьба 150 человек до сих пор неизвестна. Их "вина" заключалась лишь в том, что они были азербайджанцами. Но несмотря на это до настоящего времени никто не понес наказания за эти преступления.*