

**COSTLY INDEPENDENCE FOR OIL-RICH AZERBAIJAN: KHOJALY  
MASSACRE. WHY COULD IT BE CONSIDERED AS GENOCIDE?**

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**ABSTRACT**

**Keywords**

Azerbaijan,  
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*Republic of Azerbaijan gained its independence on October 18, 1991 from the USSR. During the beginning of its independence twenty percent of Azerbaijani territories (Nagorno-Karabakh and its surrounding regions) were occupied by Armenian armed forces. The genocide in Khojaly town was one of the bloodiest pages in Azerbaijani history, where Armenian troops massacred Azerbaijanis in order to achieve their ethnic cleansing policies. Referring to the United Nation Convention on the Prevention of the Punishment of Genocide (1948) and the Rome Statute (1998) it can be defined that the act of the illegal occupation of Khojaly by the Armenian armed forces by killing ethnic groups and forcibly transferring children of the group to another group with a goal to eliminate could be considered as genocide. The paper will focus on the brutal actions done by Armenian Government during its occupation and address how international community responds to the event occurred in Khojaly.*

**PETROLLE ZENGİN AZERBAJYCAN İÇİN PAHALI BAĞIMSIZLIK: HOCALI  
KATLIAMI. NEDEN SOYKIRIM OLARAK DÜŞÜNÜLEBİLİR?**

**ÖZ**

**Anahtar Kelimeler**

Azerbaycan,  
Hocalı,  
Soykırım,  
Dağlık Karabağ

*Azerbaycan Cumhuriyeti, 18 Ekim 1991'de SSCB'den ayrılarak bağımsızlığını kazanmıştır. Bağımsızlığın başlangıcında, Azerbaycan topraklarının yüzde yirmisi (Dağlık Karabağ ve çevresi) Ermeni silahlı kuvvetleri tarafından işgal edilmiştir. Hocalı kentinde, Ermeni askerlerinin etnik temizlik politikalarını gerçekleştirmek için Azerbaycanlıları katlettiği bu soykırım Azerbaycan tarihinin en kanlı sayfalarından biriydi. Soykırımın Önlenmesi Hakkında Birleşmiş Milletler Konvansiyonu'na (1948) ve Roma Statüsüne (1998) atıfta bulunarak, Hocalı kentinin Ermeni silahlı kuvvetleri tarafından etnik grupları öldürerek ve bu etnik grupların ortadan kaldırılması hedefiyle bir grubun çocuklarını zorla başka bir gruba transfer etmek gibi yasadışı işgal eylemi soykırım olarak düşünülebilir. Makale Ermenistan Hükümeti tarafından işgal sırasında yapılan acımasız eylemlere odaklanacak ve uluslararası toplumun Hocalı'da meydana gelen olaya nasıl tepki verdiğini ele alacaktır.*

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## 1. INTRODUCTION

Azerbaijan's independence from the USSR was quite costly due to the fact that Armenian forces had already started their territorial ambitions from 1988. Majority of Azerbaijanis were displaced and became refugees as Armenians occupied Azerbaijan's Karabakh territory and its surrounding regions. Thus, thousands of people were killed and injured as a result of the costly war. The conflict lasted till 1994 when the cease-fire was signed between two countries. Azerbaijan lost its twenty percent of lands, and although the UN General Assembly demanded immediate withdrawal of the Armenian forces, no further actions have been done by so far. The Supreme Court of Azerbaijan stated the following regarding the demand of the United Nations:

“State of Armenia paid no attention to the word of international world by showing full distrust towards UN Security Council's resolutions 822 adopted in 1993 in April on occupation of territories of Azerbaijan Republic by Armenian army, 853 adopted in June, 874 adopted in October and 884 adopted in November.”

The invasion of Karabakh by Armenian forces was clearly the violation of Azerbaijan's sovereignty because Nagorno-Karabakh and seven surrounding districts are internationally recognized as de jure part of Azerbaijan. Furthermore, Nagorno-Karabakh was not recognized as a sovereign state by UN member States, and it is considered as a territory of Azerbaijan. Armenians still ignore UN resolutions, and the issue of intervention is still pending. The International Community including its most important body United Nations, through General Assembly and Security Council condemned the illegal invasion and other acts of human right violations.

As part of Nagorno-Karabakh, Khojaly town faced violent occupation by the Armenian militants. After the Khojaly massacre the killings were escalated, and according to Azerbaijani and international sources, which monitored the humanitarian situation, Armenian armed forces murdered 613 innocent Azerbaijanis, including 106 women, 63 children, and 70 elderly people on that day of terror. Of these deaths, 487, including 76 young children, had horrific injuries and 56 were killed by methods classified as 'severe cruelty.' A further 1275 people were taken hostage (Heydarov, 2014).

The brutal actions done by Armenian militants against Azerbaijanis during that night such as killing members, causing serious bodily and mentally harm are considered as genocide by the Genocide convention in article II .

The paper will draw upon the understanding of “genocide” which is defined in the Genocide Convention and the Rome Statue of International Court of Justice. Our research question will be why and how the Khojaly case can be considered genocide. Building on the definition, this paper claims through the demonstration of facts which categorized the case of “Violence in Khojaly on February 25-26, 1992” as the act of genocide.

Following the literature review, the paper will compare the Khojaly case to the Srebrenica genocide which plays a significant role in our research. The author will illustrate the genocide in Khojaly by comparing to Bosnian genocide using the “8 stages of Genocide” stated in the Genocide Watch convention.

Works of the international and national scientists related to the topic, data from the United Nations and the Ministry of Foreign Affairs of the Republic of Azerbaijan are the important information sources for the research. In addition, the author will provide analysis and insights as well as discussion on the Khojaly Genocide in Azerbaijan during the Armenian invasion.

## **2. HISTORICAL BACKGROUND**

The Constitutional Act on the State Independence of the Republic of Azerbaijan, adopted on October 18, 1991, sets the political and economic foundation of the Republic of Azerbaijan. The military phase of the conflict started at the end of 1991 - at the beginning of 1992. Using political instability as a result of the collapse of the Soviet Union and internal conflicts in Azerbaijan, Armenia started military operations in Nagorno-Karabakh.

In February 1992, an unprecedented slaughter against the Azerbaijani population was committed in Khojaly. This bloody tragedy, known as the Khojaly genocide, had resulted in the captivity of thousands of Azerbaijanis, and the city has been destroyed. On the night of February 25-26, 1992, the Armenian armed forces seized Khojali with the help of the 366 motorized regiment of the former USSR. Until the tragic night, the Khojaly residents (about 2500 people) attempted to leave their homes in the hope that they would find the way to the nearest place of residence after the attack, but the occupiers killed

civilians with special brutality. The brutal assassination of hundreds of innocent residents of Khojaly was one of the most disgusting crimes committed during the Armenian-Azerbaijani conflict. The Armenian armed forces did not feel sorry for almost anybody who was unable to leave Khojaly and surrounding areas. Armenian officials deny responsibility for crimes against the conflict, including the Khojaly people, by distorting facts and making statements that are far from reality. However, the most sophisticated propaganda is not able to refute the facts that prove the entirely different situation of the Armenian side. Armenia's responsibilities have been documented by numerous independent sources and witnesses of the tragedy along with important information from law enforcement agencies of the Republic of Azerbaijan and confirmed by the direct confession of those who committed genocide. For example, the well-known international terrorist Monte Melkonian's brother, Makar Melkonyan, described the events in Khojaly as merely the result of the "discipline" and "disobedience" of the Armenian military units.

On 25-26 February 1992, the deliberate massacre of Khojaly residents, including children, elderly and women, was largely aimed at mass murder because they were only Azerbaijanis. Khojaly was chosen as a stage for the subsequent occupation and ethnic cleansing of the Azerbaijani territories by frightening people and creating panic and fear in the face of a terrible massacre. In May 1992, the Lachin region, occupied by Shusha city and Armenia and Nagorno-Karabakh, was occupied.

In 1993, the Armenian armed forces occupied six more districts of Nagorno-Karabakh - the Kalbajar, Agdam, Fuzuli, Jabrayil, Gubadli and Zangilan regions of Azerbaijan. As a result of the Nagorno-Karabakh conflict about one fifth of the territory of the Republic of Azerbaijan was occupied, about one in eight in the country was internally displaced or refugees.

### **3. WHAT IS GENOCIDE?**

Raphael Lemkin, a Polish-Jewish lawyer used the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing) to come up with the new word, "genocide." (Oxford: Clarendon Press, 1919). He noted the following regarding genocide:

"Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group." (Lemkin, 1944, p. 79).

Moreover, the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly in 1948, has two legal obligations of signatories: nations must try their own genocide suspects and those within their borders and nations are required to take steps to prevent, suppress, and punish genocide. In article 6 of the Rome Statute, genocide is defined as "acts committed with intent to destroy in whole or in part, a national, ethnical, racial or religious group" by:

1. Killing members of the group.
2. Causing serious bodily or mental harm to members of the group.
3. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.
4. Imposing measures intended to prevent births within the group.
5. Forcibly transferring children of the group to another group.

Additionally, the elements such as sexual violence like rape, sterilization, force of abortion have been added to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1999.

The Rwandan genocide of 1994 is one of the examples of how the ethnic minority (Tutsi) living in the country suffered as a result of ethnic-cleansing policies of the Hutu majority. The mass killing, rape and torture had spread all over the country and it was one of the bloodiest pages in the history of humanity.

Although the United Nations condemns the criminal acts done against the humanity, mass killings occur in different parts of the world. For example, Darfur genocide is one of the cases in 21st century where the president (Omar al-Bashir) committed crimes against several tribes living in Sudan. This also included killing, rape, torture and forced transfer of local people.

Most importantly, there are other examples of ongoing conflicts, torture and killings in different countries which are unresolved and the history repeats itself. It includes slaughtering of Rohingya Muslims in Myanmar, mass killings of Christians and Yazidis in Syria and conflicts between Muslims and Christians in Central African Republic.

#### 4. LITERATURE AND DISCUSSION

Several authors as well as organizations demonstrate that Khojaly massacre was one of the horrific cases during Nagorno-Karabakh war, where innocent civilians were killed, taken hostage and injured.

Thomaz Goltz (1998) illustrates that the war between two countries pushed Azerbaijanis to leave their homes in Karabakh and its surrounding districts. Additionally, the night of Khojaly was one of the extremely distressing parts of that war, where the whole population of the town was wiped out of the earth. Obviously, this attracted an international attention because of its size, and the author was quite shocked as the massacre was the largest of its kind in Nagorno-Karabakh war. Innocent civilians were shot at close range, burned alive and some were beheaded.

In his article, Thomas Ambrosio (2002) describes the power of Armenian lobby in the US through the following:

“...Armenian-American lobby's successful policy of framing the Nagorno-Karabagh conflict in line with the interests of its homeland and ethnic kin in the Caucasus. The relative strength of this lobby was instrumental in transforming Armenia's irredentist project into what came to be perceived in the US Congress as an act of 'aggression' by Azerbaijan, colored by the threat of 'genocide' against the Armenians.”

Even Armenian author Markar Melkonian (2005) clearly accepts that Khojaly massacre was as an act of revenge by demonstrating how the militants butchered Azerbaijani people. He dedicated his book to his brother Monte Melkonian who was recognized as an international terrorist. Moreover, the book also demonstrates further tortures were carried out by the aggressors against innocent Azerbaijani civilians on February 25-26, 1992. The author admits that Khojaly town had strategic importance for the militants, and the massacre was a planned action of Armenian aggressors in pursuit of vengeance.

Armenian author Hakobyan Tatul (2010) denies the fact that the Khojaly massacre was implemented by the Armenian forces. According to him Azerbaijani political and military leadership was responsible for the tragic loss of civilian lives in Khojaly. The military forces of Azerbaijan deliberately prevented the population from leaving the town

and had chances to relocate the civilians out of the town. Hence, the failure of Azerbaijani leadership was the reason for what happened in the town.

Furthermore, Svante E. Cornell (2011) also mentioned that night and noted that:

“The combined forces of ethnic Armenians and the Russian regiment attacked the town from three sides,. . . More than 600 civilians were killed,. . . Autopsies by the International Committee for the Red Cross indicated that numerous dead bodies were mutilated.”

Afterwards, the massacre was one of the sole instances in Karabakh, and it had a great impact in favor of Armenian forces because some of the towns near Khojaly were already empty and Armenians entered those places easily.

Atun Ata’s (2011) article demonstrates the vandalism of acts of Armenians through the following:

“The fallen of Khojaly may not number in the thousands, but the victims were as innocent as newborn babies, infants, children, girls and woman, elderly people with no arms or even not knowing in any way to use any kind of a weapon. The documents and the information before and aftermath of this inhuman incident were enough to characterize it as Genocide. . . It was indicated by the Armenian authorities that the Azerbaijani population living in Khojaly were being destroyed just for being Turks.”

The hatred of Armenians against Turks was another reason for torturing people in Khojaly. The perpetrators did not care whether the victims were children and women. So, they continued accomplishing their ethnic cleansing goals in order to succeed during the Nagorno-Karabakh conflict.

Ohannes Geukjian (2012) also notes about the responsibilities of the Azerbaijani army, but makes Armenians accountable for the violence and states the following:

“In order to avoid criticisms of the violence they had committed against Azerbaijanis, the Armenians claimed that they had negotiated with the Azerbaijani side a safe passage to evacuate civilians. However, the retreat of Azerbaijanis had not been organized.” (Geukjian, 2012, p. 190).

According to Tale Heydarov (2014), the night in Khojaly is considered to be one of the worst episodes of Nagorno-Karabakh conflict. The main reason for that was the number of civilians who were massacred brutally in just one night without any cover and

escape routes. International journalists, photographers and organizations were shocked due to the cruelty of Armenian aggressors against children, women and older generation who were helpless during that night. Although Armenian troops knew that the population of the small town had no weapons against the tanks and artillery, they kept torturing and killing people without letting them leaving the town. So, these acts were clearly directed towards implementing their ethnic cleansing policies against Azerbaijani people living in Khojaly town.

Raoul Contreras (2016) in his book describes the details of that specific night and the small town of Khojaly was destroyed in less than three hours. The massacre was one of the largest during the Nagorno-Karabakh war and unarmed civilians were tortured during that night. Even though Armenians claim that there was a “humanitarian corridor”, the evidence show that victims had no cover and were killed mercilessly. Clearly, it was one of the ethnic cleansing policies of Armenian aggressors during the war and there is no international attention for solving the frozen conflict. He supports his claim by showing facts, eyewitness reports and documents from different sources.

Barouk Rabbi Israel (2016) is another author who also argues that the massacre in Khojaly was one of the wounds in human history. Although the genocide happened in the beginning of 1990's, many are unaware of the event happened in that small town. He compares the massacre with other conflicts which happened in different countries and describes the similarities. All the findings show that people in Khojaly faced torture, rape and mass killing in a short period of time. International organizations and several countries condemned the acts of Armenian troops and their ethnic cleansing plans. The nation still waits for justice and solution for a frozen conflict in Nagorno-Karabakh region.

Western media such as The Washington Post, The New York Times, and Time describe how Armenians murdered Azerbaijanis living in Khojaly. Survivors of the massacre stated that soldiers and volunteers defending the women and children were also tortured and scalped. Even people who fled the scene were chased and killed when they were found in fields or forests. After bringing the bodies of victims to the hospital in Agdam, Azerbaijan, it was found out that Armenians scratched civilians' faces with knives and gouged their eyes out. So, the militants did all kinds of brutal actions in order to eliminate Azerbaijanis and carry out their ethnic cleansing plans against the Khojaly inhabitants.



The European Court of Human Rights stated the following in its judgment of 22 April 2010:

“It appears that the reports available from independent sources indicate that at the time of the capture of Khojaly on the night of 25 to 26 February 1992 hundreds of civilians of Azerbaijani ethnic origin were reportedly killed, wounded or taken hostage, during their attempt to flee the captured town, by Armenian fighters attacking the town.”

Furthermore, the Khojaly Genocide is recognized by parliamentary acts adopted in several countries. This includes twenty-four states of the United States of America and countries such as Bosnia and Herzegovina, Republic of Colombia, Republic of Honduras, Hashemite Kingdom of Jordan, Republic of Indonesia, the Czech Republic, United Mexican States, Islamic Republic of Pakistan, Scotland, Republic of Panama, Republic of Peru, Republic of Sudan, Republic of Djibouti, Republic of Paraguay, Republic of Guatemala and Republic of Slovenia.

Even the Human Rights Watch was concerned with events happening in Khojaly by stating the following:

“...We place direct responsibility for the civilian deaths with Karabakh Armenian forces...The circumstances surrounding the attack . . . indicate (to HRW) that Armenian forces and the troops of the 366th CIS regiment . . . executed the massacre at Khojaly.”

So, The European Court of Human Rights, The Human Rights Watch as well as legislative bodies of several governments which recognized the genocide in Khojaly note that victims of the massacre in Khojaly had not been undergone any justice and still wait for it.

Armenian side blames Azerbaijani leadership during that time for the massacre occurred in Khojaly. They claim that Azerbaijani side was informed about the corridor and failed to not relocate its civilians. However, the acts of the Armenian forces were deliberately directed towards eliminating Azerbaijani people and pursuing their ethnic-cleansing policies.

#### 4.1. Srebrenica Case and Eight Stages of Genocide

The experience of Khojaly following the invasion by Armenia in 1992 possesses unique characteristic as a case of genocide. The case of Khojaly massacre has been only little information published in the international arena. Building on the definition of genocide, Gregory H. Stanton, President Genocide Watch has come up with eight categorization of genocide for the better clarification. The example for those stages includes killing people based on race, equating victims with other animals, trained army, purposefully preparing for ethnic cleansing, mass killing, denying the facts and so forth. Based on the findings and facts it can be understood that brutal acts committed by Armenian forces were in violation of the Genocide convention stated in Rome Statue 1948. Below, the author demonstrates the table where Khojaly and Srebrenica cases were compared.

**Table 1: 8 Stages of Genocide**

8 Stages of Genocide	What was done in Srebrenica	What was done in Khojaly
1. Classification : Us vs. them based on the race, ethnicity, religion or nationality	Perpetrators : Serbs Paramilitary vs. Victims civilians	Perpetrators : Armenian forces and the troops of the 366th CIS regiment
2. Symbolization : symbols used by perpetrators	The main symbols that were used were religiously affiliated – cross or the crescent moon and star.	The main symbols were Armenian Flag, Artsakh Flag and cross
3. Dehumanization : Equating the others with animals	Hate speech and lied about what was going on at the time.	Equalized to the Dog and Hate speech
4. Organization : Trained and armed army and militia	The ethnic cleansing and military attacks were pre-planned and highly organized.	Armenian forces and the troops of the 366th CIS regiment, attacks were pre-planned
5. Polarization : restricting social interactions	There were no other strong political figures at that time who could organize people behind them in a unifying and moderate way.	Restrictions on civilians to interact with others outside of the town.
6. Preparation : Victims are identified and separated	Bosnians were forcibly displaced in large numbers with no safe places to go.	No humanitarian corridor for Azerbaijanis and victims had no cover and were killed mercilessly.
7. Extermination : Mass killing	The largest mass killing occurred in Srebrenica, which was declared a safe area by the UN and experienced a mass killing of more than 7,000 men and boys.	Armenian armed forces murdered 613 innocent Azerbaijanis, including 106 women, 63 children, and 70 elderly people on that day of terror. A further 1275 people were taken hostage.
8. Denial: denied the act committed	Mass graves were moved, making it very difficult to prove what happened and to identify the bodies. Some war criminals were prosecuted in The Hague but others are still at large.	Tortured people and killed people in order to prevent them from speaking to the public. 487 Azerbaijani victims had horrific injuries and 56 were killed by methods classified as 'severe cruelty.' Armenians denied by saying its natural for war. War criminals were never prosecuted.

After reviewing the table and comparing what was happening in Srebrenica by killing civilians by Serbian perpetrators was quite similar to the Khojaly case. Moreover, above-mentioned eight stages of genocide such as classification, symbolization, dehumanization, organization, polarization, preparation, extermination-mass killing and final denial are all applicable to the Khojaly case and they show that Armenian ethnic cleansing policy was planned in advance.

The Khojaly massacre is presented as the example of the widespread genocide at large during the Armenian occupation. The facts that were reported by journalists and scholars in the literature provide insights on the issue by comparing the Srebrenica genocide using the stages of genocide introduced by the president of Genocide Watch Gregory H. Stanton (1996). Furthermore, there were extensive patterns of human right violations such as systematic murder, torture, enforced disappearance, gender-based violence and force displacement of civilians. The sources and facts show how the Bosnian case is similar to the case of Khojaly due to the classification of genocide which laid in the Genocide Watch Convention. Even though it is not widely accepted as genocide, several countries and organizations recognized this as genocide as it is mentioned amongst sources.

First of all, the intention of the Armenian aggressors was mainly part of their ethnically cleansing policies against Azerbaijani people. Khojaly had a population of 23,757 people before the conflict (Heydarov, 2014) and it had become a refuge for Meskheta / Ahiska Turks fleeing inter-ethnic clashes in Central Asia, as well as for Azerbaijani refugees driven out of Armenia in the beginning of 1990's. The inhabitants of Khojaly who stayed in the town before the tragic night (about 2,500 people) tried to leave, but failed because Armenian perpetrators mercilessly tortured them (Heydarov, 2014). Moreover, as mentioned above, raping, torture, sexual violence, force use of drugs and mutilation were practiced by the Armenians across the town. Also deprivation of the means and corridor to sustain life was also imposed. People were forced to flee their home and ran into forests during winter. On the other hand, sexual violence was widely practiced, such as some people were made to watch their relatives being raped by the militants in front of their own eyes.

## 5. CONCLUSION

The massacre in Khojaly during Armenian occupation of Karabakh has been described by some scholars as genocide. Gregory H. Stanton's eight categorization of genocide that are applied to Khojaly case describe that Armenian brutal acts were rampant during the war. Comparing what was done in Srebrenica and Khojaly has shown that there are great similarities between two cases. The question is that why case like Srebrenica is recognized by many people in the rest of the world and international community as a case of genocide, and by contrast, Khojaly is not well-informed and widely recognized the international community. This lies in the acknowledgment of the perpetrators, rejecting solutions in the UN Security Council member decisions. There should be an establishment of an international mechanism with special jurisdiction to punish those who committed such offenses. The countries in the Security Council are considered to be the main actors who decided whether an international crime to be brought before trial and the establishment of an International Criminal Tribunal.

If we look at other well-known genocide case like Bosnia this country had International Tribunal which held perpetrator accountable. In the case of Khojaly, no international mechanism is implemented which makes the perpetrators such as Armenian aggressors held unaccountable. Although, UN resolutions of 822, 853, 874, 884 calls on Armenian troops to leave Nagorno-Karabakh, this withdrawal is not implemented and Khojaly case is left behind. For these reasons the genocide in Khojaly left untold for the most of the people as well in the study of politics and peace.

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