

Developments in The First Karabakh War and the Khojaly Massacre: Historical-Legal Process and Forced Migration

*Birinci Karabağ Savaşı ve Hocalı Katliamı Döneminde Yaşanan Gelişmeler:
Tarihsel-Hukuksal Süreç ve Zorunlu Göç*

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Abstract

In this study, historical conjuncture will be mentioned in the first place in order to understand the problem of “fugitive” and “forced migrant”, then political explanations will be made in the context of chronological information. What is more, answers to those questions will be sought: To which society did this region originally belong from past to present?; to what extent was the influence of internal and external factors in the process which lead to Karabakh War and Khojaly massacre?; why was the Khojaly region in a very important position from a strategic point of view?; what battles and massacres happened during this period? Additionally, it will be addressed, what kind of results were acquired against Armenia in the case of "Chiragov and Others v. Armenia" before the European Court of Human Rights in 2015 and which articles of the European Convention on Human Rights were violated.

Keywords: The First Karabakh War, Khojaly Massacre, Fugitive, Forced Migrant, ECtHR

Öz

Bu çalışmada bahsedilecek olan “kaçkın” ve “zorunlu göçmen” sorununun daha iyi anlaşılabilmesi için ilk etapta tarihsel konjonktürden söz edilecek, ardından kronolojik bilgiler bağlamında siyasi açıklamalar yapılacaktır. Ayrıca, bu bölge geçmişten buyana aslen hangi topluma aitti?; I. Karabağ Savaşı ve Hocalı katliamına giden süreçte iç ve dış unsurların etkisi ne derece belirleyici oldu?; Hocalı bölgesi stratejik açıdan neden çok önemli bir konumdaydı?; bu süreç zarfında hangi muharebeler ve katliamlar gerçekleşti? şeklinde soruların da cevabı aranacaktır. İlaveten, 2015 tarihli “Chiragov ve Diğerleri v. Ermenistan” adlı Avrupa İnsan Hakları Mahkemesi’nde görülen davada Ermenistan aleyhine ne tür sonuçlar çıkmış, Avrupa İnsan Hakları Sözleşmesi’nin hangi maddeleri ihlal edilmiş bunlardan da bahsedilecektir.

Anahtar Kelimeler: I. Karabağ Savaşı, Hocalı Katliamı, Kaçkın, Zorunlu Göçmen, AIHM

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Introduction

The Nagorno-Karabakh problem is at the center of questions such as why has the Nagorno-Karabakh issue, which remains a significant issue between Armenia and Azerbaijan and has gained historical prominence as the region's power struggles have been going on for so long, persisted to this day? Which civilizations actually had a stronghold in this region? As a result of these questions which will be sought to be answered in the first part of the article, the communities that should have the right to own property in Nagorno-Karabakh will also emerge. These questions are expected to be answered: What kind of developments occurred in the process leading to both the First Karabakh War and the Khojaly massacre? Who were the imperialist powers that influenced these developments? What were the effects of important developments in other parts of the world in this process? In fact, although all these events seem to be the expression of two different conflicts over a period of thirty years, they emerge as an expression of an effort to receive a share that has been going on for centuries. It is necessary to take notice of the geopolitical and geostrategic importance of the Karabakh region and to analyze the close combats in this context, the settlement policies towards the region and the equation on the axis of forced migration in order to understand these developments.

The developments that occurred before the collapse of the Soviet Union, the debates that took place in the field of life of the Armenian-Azerbaijani community and other conflicts in the region continued to increase, resulting in the First Nagorno-Karabakh War and the Khojaly massacre. While USSR Secretary General Mikhail Gorbachev gave innovative messages to the whole world with his theoretical approaches such as perestroika (economic restructuring) and glasnost (openness), proposals of the same solutions were out of the question for Karabakh. Taking an active role of the 366th Infantry Regiment in the Khojaly massacre that took place on February 26, 1992, which remained in the region in the post-Soviet period corroborates this situation (Yavuz-Gunter, 2022a: 54). The fact that the Russian Motorized Infantry Regiment which remained in the region in the post-Soviet period, took an active role in the Khojaly massacre that took place on February 26, 1992 affirms this situation (Yavuz-Gunter, 2022a: 54). Military contributions to the Armenians by countries such as Russia, France, Iran and Greece indicate that the Azerbaijanis are left alone in this geography and did not get serious support except for the help of countries such as Türkiye, Israel and Pakistan, etc (Yavuz-Gunter, 2022a: 171). What is more, the force migration that occurred during this period of time gave rise to hundred of thousands of Nagorno-Karabakh Turks to be homeless, some of them became internally displaced persons (called "fugitives" and "forced migrants") and some of them became asylum seekers and refugees in another country. Towards the end of the article, the Armenian migrants who settled in the region throughout history as well as the processes that the Turkish-Muslim people exiled from the region went through and the geographies they went to will be touched upon. The answers of these questions will be sought: Was the geography of migration from adjacent regions or did they take refuge in different continents? What kind of problems did these Azerbaijani asylum seekers, who are divided into two as "fugitives" and "forced migrants" encounter and whether these problems could be solved?

The United Nations Security Council Resolution No. 1416, which was adopted on January 25, 2005, also expressed the breach of numerous international legal norms as a result of the Khojaly massacre. (Krüger, 2010: 140-142). Many cases have not been brought before the courts because many crimes against humanity, crimes against peace, war crimes, and genocide were perpetrated concurrently. It is evident that the Armenian diaspora and its lobbying efforts actively participate in these rights struggles and works to conceal the crimes perpetrated. With Türkiye's and Azerbaijan's activities, Armenia, which is attempting to get support from Western nations by bringing up the so-called "Armenian genocide" charges in an effort to forget these legal crimes, is unable to fully accomplish its goal (Krüger, 2010: 16, 41, 141). The Khojaly massacre has been inscribed in history as a crime against humanity that should not be forgotten and has emerged as a topic that needs to be brought up for future generations and it was classified as both a war crime and a crime against humanity in UN texts and decisions of the European Court of Human Rights (ECtHR) dated April 22, 2010. In this context, in the conclusion and evaluation part of the article, case of the ECtHR, which is "Chiragov and Others v. Armenia" 2015 will narrate the tale of six Azerbaijani individuals who became asylum seekers as a result of the persecution they experienced in the Lachin corridor and won compensation (HUDOC, 2015). Furthermore, did Armenia bear direct responsibility for the aforementioned 2015 case? Which specific articles of the ECHR did it breach and what were the resulting repercussions? These inquiries will also be addressed in the final section.

Historical Conjuncture

Based on the etymological origins of the name Karabakh and the archaeological research conducted in the region, compelling evidence emerges that highlights the influential role of the Turks within this geographical area. The term 'kara' in Turkish not only denotes color but also signifies 'large', as evidenced by the translation of "Büyükbağ (Black Garden)" (Гусейнов, 2015: 21). This region was visited by individuals during prehistoric eras, and it served as a significant stop along trade routes, particularly the Silk Road, in later historical periods. The region's climate in both Azerbaijan and Karabakh has facilitated the growth of numerous vegetation, leading to the formation of fertile agricultural lands. Nowadays, Karabakh, known for its abundant underground and surface resources, has become a battleground for major powers to relocate Armenians to the area and achieve their objectives in this regard. Prior to discussing the settlement policies, it is beneficial to briefly touch upon the historical progression. During the 8th-7th centuries BC, the Urartians, followed by the Sakas in the 2nd century BC, the Sassanids in the 3rd century AD, and Balamir Khan in the 4th and 5th centuries AD, along with Uldız, Karaton, and other Hun-Turk leaders, played a significant role in establishing the dominance of a culture primarily composed of Turks and Persians in the Mesopotamian region. Following the 7th century AD, Islam was disseminated in the region by the Khazar Turks, and during the 7th-9th centuries AD, the Umayyads and Abbasids altered the demographic structure (Yavuz-Gunter, 2022a: 16-18).

The conquests initiated by the Seljuk ruler Çağrı Bey in the Vaspurakan region, which includes Karabakh in 1040-1060 AD, and which were shaped by the entry of Emperor Alp Arslan into Anatolia with the Battle of Manzikert on August 26, 1071, have played a significant role in the Turkification of this region and its preservation until today

(Hillenbrand, 2008: 13-14). After this period, an equation was developed in which the struggles between the Eastern Rome (Byzantium), the Seljuk State and the Persian Kingdom were continuous, and with the shrinkage of the territory of Byzantium, the wars between the Ottoman Empire and the Persian State and the effort to include the location to their own lands increased (Hillenbrand, 2008: 95, 127). The strategic position of Karabakh came to the fore at that time as well, and this region, which was the central headquarters of Timur in the Ankara War that occurred between Timur and Bayezid I at the beginning of the 15th century, was a military base ruled by his son Miran Shah (governor of Azerbaijan and Khorasan) (Aka, 2022: 304). Although it took years for the Ottomans to rule these lands again during the reigns of Mehmet the Conqueror and Suleiman the Magnificent, the superiority of the Akkoyunlu and Karakoyunlu states in the region in the second half of the 15th century indicates that the Oghuz Turks made Karabakh their epicenter (Authors, 2013: 8-10).

Apart from the above-mentioned Turkish theses, the claims of the Armenians were that "the Karabakh region belongs to them and they have lived here for a century", and there were some anti-theses they maintained on this issue. One of the most significant claims is that "they are the continuation of the Albanian people, who established a civilization in the region of Azerbaijan and Dagestan between the 4th and 8th centuries BC and 8th centuries AD". When a question of what the historical truths indicate is asked, the answers become clear. This people, who speak largely Persian and Turkish and live in the regions of Armenia, Georgia, Azerbaijan, Iran, and Russia, converted to Christianity in the 3rd century AD and came under the influence of Islam in the 7th century. Even though the great majority of them converted to Islam and became Turks, the Armenians had an impact on the minority of Christians. The geography of Albania, in which nearly 26 different languages are spoken, has been the center of many communities throughout history, and has consisted of provinces such as Sheki, Paytarakan, Girdman, Uti, Artsakh, etc., where not only Armenians but also Turkish tribes lived. This is demonstrated by the founding of the Karabakh Khanate in the 18th century and the subsequent ascent of the Turks in the area (Souleimanov, 2013: 52, 102, 194, 207).

The following can be said if it is necessary to mention both the establishment process of the Turkish Khanates in the region in the 18th century and the efforts of the Russians to make the region an Armenian ethnic and cultural basin in the 19th-20th centuries. The Karabakh Khanate, which was established under the leadership of Panah Ali Khan and was on the rise during the reign of his son Ibrahim Khalil Khan ruled over in the region between 1748 and 1805 and was brought down due to pressures of Christian communities such as Armenians, Georgians, Russians, etc. (Yunusov, 2005: 17). On the other hand, the growth of Russia in the area was exposed by a number of battles and subsequent accords, which set the groundwork for the Nagorno-Karabakh issues that still exist today. Some measures were taken in order to prevent Russian expansionist policies which spread over the region from the North Caucasus and the Kurekchay Treaty in 1805 was signed with Russia. As a result, the Karabakh Khanate was forced to acknowledge Russia's dominance in the area and pay taxes to it. Naturally, Russian protectionism against a potential Iranian attack also influenced the Karabakh Khanate's objectives. The outcome was the reverse, and the regional balances have been influenced by Russia's interests in

the Caucasus, which have been a part of Russia's policy of landing in warm waters since the time of Tsar Peter I (the Great). The Russian Empire, which continued its ascent in the region with the Gulistan Peace Treaty in 1813 and the Turkmenchay Treaty in 1828, signed after the Russo-Persian War, tried every efforts to make the Karabakh geography an Armenian basin (Yunusov, 2005: 18-19). Russia, which settled the Armenian communities living in Iran, Eastern Anatolia and the North Caucasus region in these lands, ascertained the geopolitical and geostrategic importance of Nagorno-Karabakh and attempted to create its own satellite states with its settlement policies.

The demographic structure, which was between 72-78% for Turks and Muslims and 22-28% for Armenians until the mentioned treaties above and the period when Russia increased its sway in the region, quickly turned into the opposite scenario, and the activities of clandestine organizations in the region accelerated (Alvarez et al., 2023: 53). In this context, the Armenian rebellions, which took shape in the middle of the 19th century and increased rapidly towards the end of the century, intensified with the encouragement of Armenian committees such as Hunchak and Dashnak, and led to the occupation of both Karabakh and Azerbaijan by the Russians and Armenians (Tasnapetean, 1990: 35-36). After the Armenian Deportation in 1915, thousands of Armenian insurgents who joined the Russian army and the civilian population who reached the region were settled in the Karabakh region, and they gave rise to serious casualties in the Turkish army during both World War I and the War of Independence (Tasnapetean, 1990: 117-120). If it is required to clarify the other historical processes in the introduction of the "First Nagorno-Karabakh War" and "Khojaly Massacre" topics, the following can be said.

The First Nagorno-Karabakh War and The Political Equation

Even though the Karabakh conflict dates back to the 18th and 19th centuries in relation to the previously listed historical events, regional disputes persisted until the October Revolution of 1917, which set off a chain of events that led to the developments that occurred in 1988. This is demonstrated by the Nagorno-Karabakh Autonomous Region, which was established on July 24, 1923, by decree of USSR Secretary General Josef Stalin (Geukjian, 2012: 76). This autonomous region was part of the Azerbaijan Soviet Socialist Republic, and no major events occurred in the region except for sporadic clashes until the collapse of the USSR. The primary cause of this is that, in accordance with the Soviet constitution, an autonomous territory can not join another country unless the Supreme Council of the USSR and the Azerbaijani government approve it (This is mentioned in Article 78 of the Soviet Constitution of 1977) (Geukjian, 2012: 125, 158). Nagorno-Karabakh and the neighboring raions (район=region) remained under Turkish administration, despite various occupation attempts by Armenia between 1923 and 1988 that were ineffective in response to Azerbaijani diplomats' actions. The USSR's collapse and subsequent loss of power, along with the impending end of the Cold War, created a vacuum that the Armenians exploited and opened the door for initiatives that eventually became actions.

Between 1988 and 1994, the Nagorno-Karabakh War raged on without slowing down, resulting in a number of issues, including several abuses of human rights that are still being felt today. The first signs of the Armenian uprising in the Karabakh region appeared

in January 1988, and on February 20, 1988, the National Council of the Nagorno-Karabakh Autonomous Region voted in favor of the region's admission to Armenia (Geukjian, 2012: 141). Partial disagreements were bound to increase because the majority of the council was made up of Armenians, raising doubts about the decision's impartiality. Thousands of people were left homeless after the killings of Azerbaijanis in Spitak and Armenians in Sumgait, and the first phase of irregular migration flow started. A natural disaster (earthquake) that struck the Armenian city of Spitak on December 7, 1988, threw off the balances during these conflicts, the USSR Supreme Council intervened in the area, imprisoned the Karabakh Committee leaders, and temporarily halted the fighting. The USSR's Secretary General at the time, Mikhail Gorbachev, created the Special Management Committee as a superstructure to put an end to the hostilities in the area, he also provided some support and remedies by giving the Nagorno-Karabakh Autonomous Region more authority (Kambeck, 2013: 24-25).

It's important to clarify any confusion around Russia's position on this matter because, when analyzed in the context of the events, it appears to support both Armenia and Azerbaijan at different periods. The primary cause of this predicament is the ideological stances of the governments in Armenia, Azerbaijan, and the third nations they maintain ties with. Particularly during the period of Abulfaz Elchibey, who ruled Azerbaijan between June 16, 1992 and June 24, 1993, the development of relations with Türkiye and the desire to establish and strengthen the Turkish union drew the reaction of Russia, and during this period, Armenia was supported (Yavuz-Gunter, 2022b: 98). The Nagorno-Karabakh Autonomous Region's autonomy was terminated two years prior to this date, in November 1989, when the region was annexed by the Azerbaijan Soviet Socialist Republic by the USSR Supreme Council. The Karabakh National Council and the Armenian Soviet Socialist Republic's administration refused to acknowledge this ruling by the USSR Supreme Council in December 1989, claiming that the Nagorno-Karabakh Autonomous Region had been annexed by Armenia by virtue of a power vacuum. On November 26, 1991, the Azerbaijan Soviet Administration made a decision to abolish the independent administration of the territory and annexe Karabakh to itself, while the First Nagorno-Karabakh War was still in progress. The conflict area, which first emerged at key sites, grew and affected the entire region, and the autonomous structure which was divided into the raions of Shusha, Kelbajar, Tartar, and Khojavend were continuously occupied throughout the war (Kazimirov, 2014: 109-110).

The Khojaly, Kushchular, and Maragha Massacres occurred during this conflict, which lasted six years and affected the central and southern regions of the Caucasus. As a result, crimes against humanity, crimes against peace, and genocide crimes were committed in numerous locations. During this period, street demonstrations were held in Yerevan, the capital of Armenia, and these actions paved the way for the expansion of the Armenian occupation in Nagorno-Karabakh and the acceleration of massacres (Papazian, 1995: 13-18). It is important to discuss some of the major battles of the First Nagorno-Karabakh War before going on to the Khojaly Massacre.

Battle of Askeran

The conflict that took place on February 22-23, 1988 constituted the beginning of the Azerbaijan-Armenia conflicts, and the problems started after the Karabakh National

Council proclaimed that it was ceding the Nagorno-Karabakh Autonomous Region to the Armenian Soviet. On February 22, 1988, Azerbaijani citizens wanted to obtain information about the Azerbaijanis who were killed in the city of Khankendi, however, the calls made to the USSR administration were inconclusive, and complete and precise information about the dead and wounded could not be acquired. On February 27, 1988, Azerbaijan retaliated against the Armenian city of Sumgait in these skirmishes, which resulted in the deaths of two Azerbaijani civilians and the injuries of around fifty Armenians and Azerbaijanis. Similar attacks occurred in 1988 against Azerbaijanis in Ganja (Kirovabad), Armenians in Kugark, and Armenians in Baku between January 13–20, 1990, resulting in fatalities and injuries (Saparov, 2014: 94-95). Prior to the ethnic cleansing in Khojaly, there was a significant attack and widespread killing associated with the Baku conflicts, called "Black January (Black Saturday)".

Black January Massacre (Black Saturday)

Due to the simultaneous street protests by inhabitants of Azerbaijan and Armenia, events in Baku, the capital of the Azerbaijan Soviet Socialist Republic, were inevitable, and the Soviet army intervened without delay. When the USSR government brutally interfered against Azerbaijani citizens on January 19–20, 1990, around 200 people died and almost a thousand were injured. The Russians, who tried to maintain the Soviet regime which was on the verge of collapse within the framework of Mikhail Gorbachev's views such as glasnost and perestroika, helped this massacre both to intimidate the other 14 countries and to end the conflicts and unstable process in the Caucasus. However, the outcome did not suit Russia's interests, and the freedom struggles and separatist movements of the countries within the Soviet Union persisted without losing steam (Merezhko, 2014: 22-24).

Khojaly Massacre and Its Consequence

As it is well known, there was another massacre nearly 85 years before to the Khojaly massacre, and the ethnic cleansing of the Armenian population in the area and their attempts to manipulate the demographic structure to their advantage were not the first or the last. Hunchak and Dashnak, two Armenian communists, began mass killings of Muslim Turks between 1905 and 1907; Turks, exercising their right to self-defense as in Eastern Anatolia, engaged in confrontations with Armenians in cities like Baku, Nakhchivan, and Shusha. In response to the mass murders and burning of Tatar villages at that time, the Azerbaijanis that among whom the "Caucasian Tatars" were also counted that established both offensive and defensive fronts in major cities like Shusha. Armenian theses also exist that assert the reverse (Demoyan, 2006: 21).

When historical comparisons are done, a number of related incidents come out. As a result of the Russian Revolution in 1905, the two sides, which took advantage of the authority vacuum in the region and clashed, undertook the First Nagorno-Karabakh War at the end of the 1980s, when the USSR was about to fall, and history repeated itself. Furthermore, in order to ascertain Russia's stance in this equation, it is necessary to examine the political ideologies of these nations' governments as well as their interactions with other nations like Türkiye, France, England, etc.

The Khojaly massacre, started on February 25-26, 1992, with the participation of the 366th Russian Motorized Infantry Regiment in the events, which operated in the area during the post-USSR era and the mass slaughter of Azerbaijani citizens with Armenian-Russian military cooperation, transitioned into a new phase (Babayev et al., 2019: 21-22). The question is whether Khojaly was occupied as a natural consequence of the First Nagorno-Karabakh War or was it chosen for a particular purpose. First, it becomes clear that the fierce battles of the Karabakh War were mirrored in this area; second, it is recognized that the Khojaly region occupies a strategically significant location. As it is well known, Khojaly is situated in the heart of Azerbaijan and Armenia, which is also home to Nagorno-Karabakh. The only airport in the area is located in Khojaly, which is strategically located near the intersection of the highways and railways that connect the Aghdam, Khankendi, Shusha, and Fizuli raions, and this puts the country that possessed the region in a position to establish a significant advantage (Koç-Tarcan, 2020: 95). The Armenian military and administrative management, went beyond the limits of human rights and the laws of war and massacred people with all kinds of tortures, regardless of whether they were children, women or the elderly with the intention of cutting off Azerbaijan's supply routes and instilling fear in the area.

The population of the Nagorno-Karabakh region was approximately 200 thousand in 1988, while the combined population of the region and the other occupied raions were approximately 400 thousand. With the forced or voluntary migration strategies of imperialist nations like Russia, the balances changed for centuries, while 30% of these migrants are Armenians and 70% are Azerbaijanis, the 1990s saw the emergence of the reverse situation (Yüce, 2023: 83). When the war started, the Khojaly region had about ten thousand citizens, many of whom were forced to migrate; those who fled abroad attempted to obtain the status of "asylum seeker" or "refugee," while some of them battled to survive in difficult conditions in tents, containers, etc. under the status of "internally displaced persons" (also known as "fugitives" or "forced migrants"). Nearly three thousand people remained in the city of Khojaly, and the majority of them were Azerbaijani citizens of Turkish origin before the massacre. As a result of the massacre that took place on February 26, 1992, it was recorded that 613 Azerbaijani citizens were killed, and it was eventually determined how serious the incident was. The reason for this was that 106 of the Turks killed were women, 83 were children, and 70 were elderly, and various forms of tortures took place. Furthermore, 487 individuals had critical injuries, 150 people vanished and were never heard from again, and 1275 people were held captive and treated against the laws of war (Çeliksoy, 2021: 130).

Nagorno-Karabakh and the Forced Migration

It is necessary to consider the types of prior acts that occurred in this environment in order to accurately understand the migrant movements in the Karabakh region. The Ottoman Empire's conflicts with Russia and the Iranian Empire, in particular, brought about some successes for them, and then there was forced migration. Articles pertinent to the Kurekchay Treaty in 1805, the Gulistan Peace Treaty in 1813, and the Turkmenchay Treaty of 1828 all attempted to settle Armenians in the Nagorno-Karabakh territory, sometimes willingly and other times forcedly (Mustafayev, 2011, 26-27). The original occupants of these regions were the Azerbaijanis until 1825, at which point the Armenians, with a population of up to 70 percent, achieved control over both the land

area and the demographic structure. Following the 1890s, Armenian separatists like Hunchak and Dashnak carried out terrorist attacks and raids on villages in both the Baku and Nagorno-Karabakh regions, forcing the population to flee either to the eastern regions of Türkiye or to the Iranian provinces of Tabriz, Khoy, Urmia, Zanjan, Ardabil, Dilman, Eher, Salmas, etc (Shaffer, 2002: 24-32). Iran is required to act cautiously at all times because of the 18–25 million Azerbaijani Turks living there, who have been subjected to forced migration for nearly 200 years that roughly double the population of Azerbaijan, which is 10 million. An ethnic structure of this magnitude disturbs Iran even today, causing Iran to keep its distance from Türkiye on a diplomatic and political level (Shaffer, 2002: 197, 224).

Although these changes occurred in the 19th century, comparable migration patterns persisted in the 20th century, and numerous other events contributed to this state of affairs. The challenges deteriorated because every big incident led to the creation of internally displaced people and asylum seekers. Among them are the events of World War I (1914–1918), the Deportation of Armenians in 1915, the October Revolution in 1917, the founding of the Azerbaijan Democratic Republic on May 28, 1918, the USSR's occupation of Azerbaijan on April 27–May 14, 1920, the decision to declare the Azerbaijan Soviet Socialist Republic on July 24, 1923, and the Nagorno-Karabakh Autonomous Region as part of it (Demirci, 2022: 23). Regional battles between Armenia and Azerbaijan between 1918 and 1920 also made it easier for people to flee Nagorno-Karabakh, which made the issue of asylum seekers more apparent. During the Cold War period between 1945 and 1990, when the rebel movements were suppressed under the rule of the USSR, certain migrations occurred, but remained in a partial area under the pressure of the higher authority. When the First Nagorno-Karabakh War broke out in 1988, the Armenian troops finally had the chance they had been waiting for 65 years and they utilized forced migration as a weapon to drive out the Azerbaijani population in the area. The following can be stated if using observable and numerical scientific data in the framework of Behavioral Theory is required during this process.

A few statistically significant facts emerge when we examine the war's trajectory, and this makes it possible to draw conclusions about the war's outcome as well as the migration. The population of Azerbaijan was 9 million, while the population of Armenia was approximately 3.5 million in 1990 and the Azerbaijanis who were in an advantageous position, faced the opposite scenario, both because the army left over from the USSR was used by the Armenians and the Armenians had easy access to military equipment (Yavuz-Gunter, 2022a: 54). Nearly 14 million people have been impacted by the fighting in the area, including in the Nagorno-Karabakh region, and some of them have been compelled to migrate. Almost one million people were forced to flee Karabakh for Azerbaijan between 1988 and 1994, when the conflict persisted, and nearly 250 thousand people had to do the same from Karabakh for Armenia (Shaffer, 2002: 201). Although the Azerbaijani government appealed for international assistance, the necessary aid did not arrive, and these internally displaced people were resettled in Baku and the surrounding districts. Furthermore, these displaced individuals were referred to as "fugitives" (qaçan) and "forced migrants" and they encountered a number of challenges in both Azerbaijan and the Nagorno-Karabakh territory (Çil, 2023: 470).

During this period, it was aimed for Armenia to seize the Lachin corridor, which is described as a buffer zone, and move toward the Khojaly region in order to occupy the Karabakh region. Hundreds of thousands of people were left homeless as a result of the occupation; some individuals attempted to travel by military helicopter, while others traveled by train and land to the Azerbaijan region (Akıncı-Kaba, 2023: 99). Numerous civilians were murdered when military helicopters carrying aid workers, Azerbaijani nationals, and humanitarian supplies were shot down. The most significant of these was the fact that Azerbaijani military helicopter Mil Mi-8 was struck down by Armenian military powers on November 20, 1991, as hostilities escalated. 13 Azerbaijani citizens, 2 Russian and 1 Kazakh officials, 3 Azerbaijani journalists, and 3 helicopter workers perished in this disaster. Although Armenia referred to this tragedy as an "accident," Azerbaijan described it a "terrorist act" and the investigating commissions that were established were unable to come to a decision. By the end of 1992, the Armenians who had taken control of Nagorno-Karabakh and 7 surrounding raions, occupied 20 percent of Azerbaijan, caused the displacement and forced migration of nearly one million people (Dadaşova, 2020: 59).

Forced migration has caused severe economic burdens and irreparable harm to the local communities anywhere in the world. Neither Armenia nor Azerbaijan have benefited from the forced migrations in the area and many of the profits from farming and raising animals have become unaffordable due to the production of agricultural items like wheat, barley, tobacco, etc. Between 1988 and 1994, hospitals, factories, hamlets, and several essential components were heavily bombarded and destroyed throughout the war. Even if the people who were subjected to forced migration returned to the region, they were deprived of the elements that would enable them to make a living, and their existing livelihoods were in the hands of the Armenians (Aras, 2015: 116-118).

Additionally, on September 29, 1992, the "Law on the Status of Fugitives and Forced Migrants" was passed in order to address the issues these people were facing, as a result, migrants who obtained identity cards were granted certain rights regarding settlement and employment prospects. Both the terms "fugitive" and "forced migrant" are defined in Article 1 of this law, making the distinctions between them easier to comprehend. "Those who fled from the territory of the First Nagorno-Karabakh War because of their language, religion or nationality, whose life, movable or immovable property is in danger, who cannot benefit from the protection of the country of which they are a citizen, who have left their country and who are not citizens of the Republic of Azerbaijan" were referred to as "fugitives". Azerbaijani citizens who permanently abandon their place of residence within the borders of Azerbaijan and migrate to other regions or leave their place of permanent residence in other countries and enter the borders of the Republic of Azerbaijan are described as 'forced migrants' (Yusifsoy-Özsüer, 2022: 471-473).

In short, a lot of work has been done to make sure that Muslim Turks who reside in the Nagorno-Karabakh Autonomous Region but are not citizens of Azerbaijan, or refugees who feel a connection to Azerbaijani culture while coming from different ethnicities or religions, are not mistreated. As it is known, there were also occupied Azerbaijani territories outside of Nagorno-Karabakh, both Azerbaijani citizens living within the borders of this Azerbaijan Socialist Republic and non-Azerbaijani citizens residing in the region were subject to forced migration and were protected by refugee policies. When an

evaluation is made in the context of the migration policies reflected until today, the problems of the asylum seekers, especially those from the Nagorno-Karabakh Autonomous Region who are described as "fugitives", have mostly been resolved, while the problems of people who are Azerbaijani citizens and are subjected to forced migration continue. There are still issues with the economy, education, and housing that are related to unemployment (Yusifsoy-Özsüer, 2022: 484-487). [In addition, while international humanitarian aid (through the Red Cross, UNHCR, etc.) is actively providing to Armenians who migrated from the Nagorno-Karabakh Region today (2020-2023), the same circumstance did not occur for Muslim Turks between 1988-1994, and it was clearly seen that Western countries took a different attitude when it came to a Christian country. See also the migration policies of European countries towards the citizens of these two countries, who are Muslim and Christian, as a result of the wars in Syria and Ukraine...]

Nearly one million people were forced to live as "fugitives," "forced migrants," or "asylum seekers" as a result of the migrations that followed the First Nagorno-Karabakh War (these individuals who are typically "internally displaced persons," shall be referred to as "refugees" in order to avoid repeating their experiences). Nearly 800 thousand of these people are fugitives and forced migrants, and nearly 200 thousand of them are asylum seekers who came to Azerbaijan from countries such as Armenia, Russia, Kazakhstan and Uzbekistan (Yusifsoy-Özsüer, 2022: 476-479). Some of the fortunate migrants moved to Baku and the other areas, while others settled with close relatives. People moved to Baku's interior due to a lack of work opportunities in the area and restricted access to social services like schools, hospitals, and other facilities, as a result of a dense population accumulation, the city was unable to handle this. A number of asylum seekers were forced to reside with their family, while others were housed in state institution facilities, tents, barracks, train cars, etc. Over time, asylum seekers who had inadequate food and housing in the first place began to meet these requirements. With the assistance of governmental agencies, non-governmental organizations, and international organizations, there are still a significant number of survivors today (Yusifsoy-Özsüer, 2022: 487).

Regardless of their location in the globe, finding a job and supporting their family is one of the most crucial things for refugees and asylum seekers. The majority of asylum seekers in Azerbaijan work in rural agriculture and animal husbandry because they are unable to find suitable employment. Additionally, the education of their children and their integration into Azerbaijani society present a significant challenge for these individuals. As it is known, a group that deprives of education will always pose a problem for that society and will pave the way for an increase in criminal cases. Consequently, around 100,000 asylum seekers continue their education in the roughly 15% of schools that the Azerbaijani state has offered to them. One of the main reasons for this is that almost all the educational institutions belonging to these people were destroyed by the Armenians and they have nowhere to return (Rüstemov, 2013: 89-90). Apart from issues related to housing and education, fugitives and forced migrants have also experienced health issues, these include a rise in diseases like measles, respiratory tract infections, anemia, hepatitis, and others when there is inadequate shelter and protection, no access to clean drinking water, and unhygienic conditions. While providing health care to refugees can present certain challenges, the support activities of the Turkish Red Crescent and the Republic of

Türkiye Ministry of Health have always existed. It is obvious that these people who were deprived of their rights such as health, shelter, food and drink, etc., by Armenia, especially during the Khojaly massacre, were victims of genocide (Özarslan, 2014: 198).

Conclusion

Three distinct effects of the Khojaly massacre and the First Nagorno-Karabakh War need to be resolved; the political, legal, and sociological (the refugee problem) consequences. During the terms of office of both Heydar Aliyev and his son Ilham Aliyev, the problems of fugitives and forced migrants were closely monitored and aid was provided to the extent possible. The missing parts have been completed and the grievances of these people for nearly 30 years have been tried to be overcome. Armenia, which occupies 20% of Azerbaijan's land, has settled in its own citizens in the seized territories of Azerbaijan and Nagorno-Karabakh and has continued to hold these areas illegally (Sarı, 2015: 106; Eyvazlı, 2019: 161). In the event that Nagorno-Karabakh and the surrounding provinces, districts and villages occupied by Armenians are captured back by Azerbaijan, the return of Turkish Muslim asylum seekers to their homes and their resettlement in these regions will be a permanent solution. It should be noted, nevertheless, that in the asylum-seeker and refugee cases that have occurred globally thus far, individuals who remain in the locations they visit for an average of five years do not return; instead, they settle there permanently.

Apart from the unresolved issue of illegal and coerced migration, there exist unresolved legal difficulties as well and the rulings from the Khojaly massacre serve as a reference in this regard. The United Nations took certain legal action during the occupation of Nagorno-Karabakh and Khojaly between 1988 and 1994; this state of affairs was documented in four distinct Security Council resolutions (resolutions 822, 853, 874, and 884) that were issued in 1993. The UNSC referred to Armenia's violations as "occupation" and ordered the immediate evacuation of the relevant Azerbaijani and Nagorno-Karabakh lands (United Nations, 1993). The judgment rendered by the European Court of Human Rights (ECtHR) on June 16, 2015, for the Azerbaijani citizens who were displaced in the Khojaly region, was also significant in this regard. Six Azerbaijani residents filed an ECtHR lawsuit titled "Chiragov and Others v. Armenia" after they were persecuted in the Lachin corridor and became asylum seekers, they took their case before the court. The incident declared in these judgments and causing Armenia to become a criminal is the violation of Article 8 (right to respect for private and family life), Article 13 (right to effective remedy), Article 14 (prohibition of discrimination) and Article 1 (protection of property) of the European Convention on Human Rights (ECHR) (ECHR, 1950: 11, 13, 33). It should be known that as Armenia was the "defendant" nation, it was unable to avoid being held accountable for the crime, which led to the need for compensation. According to the ECtHR, the parties must confer and make a decision regarding compensation within a year (HUDOC, 2015).

The occupation of the Azerbaijani regions and the Nagorno-Karabakh Autonomous Region had political ramifications, as discussed in the third and final section. Armenia's consideration of recognizing and admitting Nagorno-Karabakh as a state is one of these political ramifications, which are also connected to legal matters. There have been some initiatives in the context of peace-building with the Minsk Group, which Türkiye is a

member of and which was founded on March 24, 1992, under the OSCE's presidency of the USA, Russia, and France, however, complete success has not been realized (TRT News, 2020). Subsequently, Azerbaijan and Armenia, which achieved a ceasefire in Kyrgyzstan with the Bishkek Protocol on May 5, 1994, came to the fore with some solution proposals that were formed later (United Nations, 1994). The Madrid Principles were proposed on November 29, 2007, and they state that "Azerbaijan should be granted the occupied raions; Nagorno-Karabakh should be granted an interim status; a buffer zone-style corridor between Armenia and Nagorno-Karabakh should be opened; displaced, fleeing, and forced migrants (asylum seekers) should return to their countries; Armenia disregarded these directives, despite it being declared that peacekeepers should be sent to the regions occupied by the OSCE" (OSCE, 2009).

In the context of the decisions of the Madrid principles, a result was reached in favor of Azerbaijan and although it was said that the event was an "occupation", it was not emphasized that the occupying state was Armenia (Kırışık, 2023: 138-139). The issues from the 1990s still exist today, and in addition to the social, legal, and political ramifications, it is important to talk about and work for the International Community's acceptance of the reality that the Khojaly massacre was a "genocide."

References

- Aka, I. (2022). *Mirza Şahruh: Timur'un hükümdar oğlu, Uluğ Bey'in babası (1405-1447)*. Kronik Kitap Yayınları.
- Akinci, A., & Kaba, S. G. (2023). Kafkasya'nın jeopolitik önemi: Dağlık Karabağ ve Zengezur Koridoru örneği. *Ekonomi İşletme Siyaset ve Uluslararası İlişkiler Dergisi*, 9(1), 88-106.
- Alvarez, A., et al. (2023). Nagorno-Karabakh and the Lachin Corridor crisis. *Genocide Studies International*.
- Aras, O. N. (2015). Ekonomik ve siyasi sonuçları bakımından Hocalı Katliamı ve Karabağ sorunu. *Fırat Üniversitesi Orta Doğu Araştırmaları Dergisi*, 9(2), 113-122.
- Authors, V. (2013). *Brief history of Artsakh (Nagorno-Karabakh)*. Mia Publishers.
- Babayev, A., Schoch, B., & Spanger, H. J. (Eds.). (2019). *The Nagorno-Karabakh deadlock: Insights from successful conflict settlements*. Springer.
- Council of Europe. (1950). *European Convention on Human Rights*. https://www.echr.coe.int/Documents/d/ECHR/Convention_ENG
- Çeliksoy, E. (2021). İkinci Karabağ Savaşı'nda Şuşa'nın rolü ve Türkiye-Azerbaycan işbirlikleri. *Al Farabi Uluslararası Sosyal Bilimler Dergisi*, 6(4), 126-133.
- Çil, V. (2023). Bir soykırım romanı: Hocalı'nın kurdeleli anahtarı. *Uludağ Üniversitesi Fen-Edebiyat Fakültesi Sosyal Bilimler Dergisi*, 24(45), 463-485.
- Dadaşova, R. B. K. (2020). Armenia's military aggression against Azerbaijan: Violation of the rights of captives and hostages. *Avrasya İncelemeleri Dergisi*, 9(1), 55-73.
- Demirci, H. (2022). Karabağ sorununun tarihsel gelişimi ve son Karabağ mutabakatı. *Asya Studies*, 6(Special Issue 2), 19-32.

- Demoyan, H. (2006). *Turkey and the Karabakh conflict*. Center for European and Armenian Studies.
- Eyvazli, E. (2019). Hocalı katliamına giden süreç ve Türk basınında Hocalı katliamı. *Avrasya İncelemeleri Dergisi*, 8(2), 152-173.
- Geukjian, O. (2012). *Ethnicity, nationalism and conflict in the South Caucasus: Nagorno-Karabakh and the legacy of Soviet nationalities policy*. Routledge.
- Hillenbrand, C. (2007). *Turkish myth and Muslim symbol: The battle of Manzikert*. Edinburgh University Press.
- Hudoc (European Court of Human Rights). (2015). Case of Chiragov and others v. Armenia. [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-155353%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-155353%22]})
- Kazimirov, V. (2014). *Peace to Karabakh: Russia's mediation in the settlement of the Nagorno-Karabakh conflict*. Moscow: Ves Mir Publishers.
- Kirişik, A. (2023). Karabakh: From conflict to resolution. In M. Ataman & F. Pirinççi (Eds.), *Seta Publications*.
- Koç, H., & Tarcan, B. H. (2020). 19. yüzyıldan günümüze Ermenistan-Azerbaycan ilişkileri. *Uluslararası Bankacılık Ekonomi ve Yönetim Araştırmaları Dergisi*, 3(2), 87-116.
- Kruger, H. (2010). *The Nagorno-Karabakh conflict: A legal analysis*. Springer Science & Business Media.
- Merezhko, O. (2014). *The problem of Nagorno-Karabakh and international law*. Dmitry Burago Publishing House.
- Mustafayev, B. (2011). Ermeni devlet terörünün eseri: 26 Şubat 1992 Hocalı soykırımını üzerine. *Karadeniz Araştırmaları*, (29), 23-41.
- OSCE (Organization for Security and Co-operation in Europe). (2009). *Statement by the OSCE Minsk Group Co-Chair countries*. <https://www.osce.org/mg/51152>
- Özarslan, B. B. (2014). Soykırım suçunun önlenmesi ve cezalandırılması sözleşmesi açısından Hocalı Katliamı. *Hacettepe Hukuk Fakültesi Dergisi*, 4(1), 187-214.
- Özçelik, I. (2017). Karabağ'daki Hocalı soykırımının tarihi arka planı. *Vakanüvis-Uluslararası Tarih Araştırmaları Dergisi*, 2(Spec. Issue), 417-456.
- Papazian, D. R. (1995). *The Caucasian knot: The history and geopolitics of Nagorno-Karabagh*. In L. Chorbajian, P. Donabedian, & C. Mutafian (Eds.), *Atlantic Highlands*, NJ: Zed Books.
- Rüstemov, I. (2013). Hocalı faciasının Azerbaycan ekonomisine tesiri. *Fırat Üniversitesi Orta Doğu Araştırmaları Dergisi*, 9(2), 87-93.
- Saparov, A. (2014). *From conflict to autonomy in the Caucasus: The Soviet Union and the making of Abkhazia, South Ossetia and Nagorno Karabakh*. Routledge.
- Sarı, G. (2015). 1915 tehcirinden 1992 Hocalı'ya soykırım iddiaları çerçevesinde Ermeni sorunu. *Güvenlik Bilimleri Dergisi*, 4(2), 91-121.

- Shaffer, B. (2002). *Borders and brethren: Iran and the challenge of Azerbaijani identity*. MIT Press.
- Souleimanov, E. (2013). *Understanding ethnopolitical conflict: Karabakh, South Ossetia, and Abkhazia wars reconsidered*. Basingstoke: Palgrave Macmillan.
- Tasnapelean, H. (1990). *History of the Armenian Revolutionary Federation Dashnaksutiun 1890/1924 (Vol. 2)*. Oemme.
- TRT Haber. (2020). Azerbaycan-Ermenistan geriliminde sonusuz kalan diplomatik abalar. <https://www.trthaber.com/haber/dunya/azerbaycan-ermenistan-geriliminde-sonusuz-kalan-diplomatik-cabalar-519659.html#:~:text=Ag%C4%B0t%20minsk%20grubu,24%20mart%201992'de%20kuruldu>
- United Nations. (1993). Resolution 884 (1993) / Adopted by the Security Council at its 3313th meeting, on 12 November 1993. <https://digitallibrary.un.org/record/176731>
- United Nations. (1994). Document retrieval: Bishkek Protocol. <https://digitallibrary.un.org/record/176731>
- Yavuz, M. H., & Gunter, M. M. (2022a). *The Karabakh conflict between Armenia and Azerbaijan: Causes & consequences*. Springer Nature.
- Yavuz, M. H., & Gunter, M. M. (Eds.). (2022b). *The Nagorno-Karabakh conflict: Historical and political perspectives*. Routledge.
- Yunusov, A. (2005). *Karabakh: Past and present*. Baku: Turan Information Agency.
- Yusifsoy, A., & zsüer, E. (2022). Azerbaycan'da i göe maruz kalmıř insanların geri dnüş motivasyonunun deęerlendirilmesi. *Vakanüvis-Uluslararası Tarih Arařtırmaları Dergisi*, 7(1), 467-510.
- Yüce, E. Y. (2023). 1940'tan günümüze Azerbaycan-İran münasebetleri. *Gab Akademi*, 3(1), 78-93.
- Гусейнов, П. Н. (2015). *Brief history and background of the Karabakh conflict*. Center of History of the Caucasus.