

**ORGANISATION, MANAGEMENT, ECONOMIC CONSEQUENCES, AND
LEGAL QUALIFICATION OF THE MASSACRES OF ARMENIANS IN 1988 IN
KIROVABAD (GANDZAK)**

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Introduction. Within the context of the Armenian mass massacres in the cities of Sumgait and Baku, the pogroms in the city of Kirovabad (Gandzak city of the historical Utik province of Greater Armenia, now called Ganja city of the Republic of Azerbaijan), the third largest city in the Azerbaijani SSR in population and the second largest in territory, the comprehensive study and coverage of the events of November-December of 1988 (also known as the “Kirovabad mass massacres” or “Kirovabad Pogroms”) have often been overshadowed.

Methodology and literature review. In order to form a complete understanding of the mass massacres of Armenians in Kirovabad, of particular importance are G. Oganesov’s and H. Kharatyan’s co-authored book called “*Self-defence of Armenians in Kirovabad from 1988 to 1989 according to the eyewitnesses*”, as well as L. Melik-Shahnazarjan’s book “*Gandzak: Neutrachenniy mir*”, interviews of the representatives of the USSR Prosecutor’s Office, as well as local and Western press publications.

This article is written based on a comprehensive examination of facts, applying the principles of historical analysis. At the same time, the methods of legal analysis were used to qualify the crimes committed against the Armenian population of Kirovabad.

Scientific novelty. Our study revealed the impact and the response of healthcare system: during the days of the mass massacres, Armenian patients were expelled from Kirovabad hospitals, Armenian women were not admitted to maternity hospitals, and the ambulance refused to approach the Armenian part of the city. Law enforcement bodies were warned to disperse. Public services were disrupted: gas, electricity and water supplies have been cut off in Armenian apartments since November 23. Special management was enforced: among the instigators were not only the organisers of the district level, but also the heads of the city's workshops, professors of higher educational institutions, representatives of the management staff.

Analysis. Signs of the mass massacres. On the eve of the mass massacres of the Armenian population in Kirovabad, the total population of the city was about 280 thousand, of which 40-45 thousand were Armenians [Melik-Shahnazarjan 1996, 13]

[Oganezov and Xar'atyan 2014, 93]. Taking into account the fact that the city had a separate Armenian part, about 32 thousand Armenians were concentrated in that area of the city. The situation in the city of Kirovabad was aggravated due to hostile feelings towards the Armenian population at the end of February in 1988, since the Sumgait mass massacres. The pogroms were prevented only as a result of the resistance of the engineering workers and the servicemen [Oganezov and Xar'atyan 2014, 95]. On November 17 of the same year, crowded demonstrations began in Baku against the Soviet authorities in Azerbaijan. The key issue among the raised ones was the weakening of Azerbaijani control over Nagorno-Karabakh Autonomous Region. In particular, the issue of construction of an aluminium warehouse in the forest area called "Khachin Tap" (Azerbaijani: "Topkhana") in the Nagorno-Karabakh Autonomous Region was actively discussed [Melik-Shahnazarjan 1996, 16]. The situation was especially aggravated by the fact that the head office of the workshop was located in Armenia [Saroyan 1997, 185]. Despite the explanations about the absence of environmental risks, the active discussions of the issue did not stop, creating the impression of contemporaries sowing national hatred against Armenians [Melik-Shahnazarjan 1996, 16].

In the mentioned conditions, the fact of one of the defendants, Ahmed Ahmedov, being sentenced to death by the USSR Supreme Court for the mass massacres of Armenians in Sumgait in February 27-29, 1988, was perceived especially sensitively by the Azerbaijanis. The verdict was published on November 18, 1988. Demonstrations broke out in Baku, Kirovabad, Nakhichevan, Shaki, Zakatala, Shamkhor, Ali Bayrami, Kadaba, Mingechaur and Gutgashen [Saroyan 1997, 185] [Kaufman 2001, 77].

On November 21, 1988, students and employees of manufacturing enterprises gathered in groups in front of the Communist Party's city committee building in Kirovabad Square. The slogans of the demonstrations had already turned into calls for the physical destruction of Armenians: "Death to Armenians!" and "Armenians, leave!" [Oganezov and Xar'atyan 2014, 6]. As in the case of the mass massacres of Armenians in Sumgait, in Kirovabad as well identical iron rods and stones appeared mainly in the hands of young "demonstrators" [Oganezov and Xar'atyan 2014, 6]. The November 21 demonstrations were also notable for the fact that they were attended by members of the party's city committee bureau and other officials [Xar'atyan 2015, 87]. It should be noted that according to eyewitnesses, during the Kirovabad mass massacres, many criminals had the lists of Armenians with the addresses were noticed [Oganezov, Xar'atyan 2014, 138].

Process and management. On November 21, 1988 at 3 pm, the armed participants of the crowded demonstration against the Armenians, accompanied by the police, moved to the Armenian part of Kirovabad, beating the Armenians they met on the way. Reaching the Armenian St. Gregory the Illuminator Church, the crowd carried out a pogrom. In the evening of the same day, the Armenian part of Kirovabad was blocked by Soviet soldiers [Oganezov and Xar'atyan 2014, 187]. The first murder took place on the same

day. Rosa Melkumyan was killed in her house. Despite the fact that the murder was committed in the presence of many witnesses, a heart attack was mentioned as the cause of death [Xar'atyan 2015, 88]. On the same day, a group of Armenians gathered in the Armenian church of the city formed the "Initiative Group", which had to undertake some functions of self-defence and self-organisation of the Armenian population during the Kirovabad mass massacres. In particular, the Initiative Group organised the arrest and handover of the perpetrators to the servicemen, the provision of first aid to the victims of violence as well as to those evacuated from hospitals, and the provision of food and clothing to the Armenians who fled the Azerbaijani part of the city.

It should also be noted that the soldiers who arrived in the city were actually unarmed, and many did not even know where they were currently located [Melik-Shahnazarjan 1996, 26]. The arrival of the military forces was immediately followed by the attacks of the Azerbaijanis on them. Despite the aforementioned, during the first days of the mass massacres, the servicemen did not have weapon permits [Talashkevich, 1991]. According to the statement of city guard P.P. Polyakh about ten thousand people took part in the "demonstrations" [Oganezov, Xar'atyan 2014, 164]. Even with the deployment of troops, there were regular attempts to attack the Armenian part. On November 22, at 17:00, a state of emergency was declared in the city - a curfew was imposed. Some authors note that the curfew was imposed only on November 23 [Rost 1990, 82].

The mass massacres of Armenians in Kirovabad continued according to the above presented scenario up until November 26, 1988, and the local demonstrations continued until the Armenians completely left the city.

It is now important to discuss some institutional and social-economic key circumstances related to the mass massacres of Armenians in Kirovabad.

1) *The response of the healthcare system:* during the days of the mass massacres of Armenians, Armenian patients were expelled from Kirovabad hospitals, Armenian women were not admitted to maternity hospitals, and the ambulance refused to approach the Armenian part of the city [Oganezov, Xar'atyan 2014, 7].

2) *Inaction (participation) of law enforcement bodies:* in addition to what has already been presented, it should be noted that the perpetrators captured by the Initiative group at the time of the committed crimes and handed over to the military often reappeared in criminal groups shortly afterwards, continuing violence against Armenians [Xar'atyan 2015, 91-92, 94] [Melik-Shahnazarjan 1996, 36]. The local authorities announced their inability to protect the Armenians, urging them to leave [Oganezov and Xar'atyan 2014, 101].

3) *Disruption of public services:* gas, electricity and water supplies have been cut off in Armenian apartments since November 23 [Xar'atyan 2015, 91] [Oganezov and Xar'atyan 2014, 125].

4) *The instigators*: there is information about the active work of the instigators during the Kirovabad massacres. Among the instigators were not only the organisers of the district level, but also the heads of the city's workshops, professors of higher educational institutions, representatives of the management staff [Oganezov, Xar'atyan 2014, 112].

Consequences and condemnation. According to the head of the investigation group A. Kondratov, in 1988 in Kirovabad within November 21-26, 1,628 crime reports were received, of which 1,141 were about the destruction of apartments and houses. To illustrate the scale of the attacks, it would be sufficient to say that 34 pieces of armoured vehicles were destroyed during the street battles [Talashkevich, 1991].

The main target of Azerbaijan's aggression was the peaceful Armenian population. In those years, 1/6 of the population of Gandzak / Kirovabad / were Armenians. According to various estimates, they received more than 1/5 of the total income. Armenians played great role in Gandzak's / Kirovabad / society and economic life. They were successful businessman, cultural figure and institutionally integrated in social and political life of the country. For the organizers, it was a good bait for the mass riots and massacres, which they carried out with savage eggs against the civilian population.

Institutionally and economically, the process of redistribution of resources took place in a brutal, brutal, medieval way. Institutionally, the lack of legal assessments of these phenomena will lead to such situations in the world on a regular basis. Some groups have interpreted this as a clash of civilizations, giving it a religious connotation, but in fact an economic motive in the clash of interests exists. In those actions there was a desire to get richer in easy and fast way. Later, it became a cause of unrest and a rough redistribution of capital. (Like the pre-initial accumulation of capital in the Middle Ages, the redistribution of capital in Azerbaijan took place according bloody laws under the under a silent outlook of the civilized world). People with a certain thinking, representatives of the nation, consider the above way to be an acceptable, justified way to get rich quick. According to the data recorded by the initiative group, as of November 27, 10 people were killed, 3 of whom were servicemen, 5 women, girls were raped, 55 were injured and severely beaten [Oganezov, Xar'atyan 2014, 191]. As of November 30, the number of people who were seriously injured reached 63, and 250 people received first aid. The number of missing persons has reached 55, some of which were found later. In April 1989, the circumstances of the murder of 12 disabled people from the Kirovabad Kyapaz Disabled House and their burial in the Kura River floodplain were confirmed. During the days of the mass massacres, more than 70 investigators arrived in Kirovabad [Oganezov, Xar'atyan 2014, 161, 234, 344, 459-461], whose work results are not available in public sources. Kondratov noted that during the preliminary investigation it was possible to find out only the local organisers, but the work of revealing the main organisers did not lead to positive results [Talashkevich, 1991]. Armenians fleeing from Kirovabad were forced to sign declarations to leave the city on a voluntary basis and

lack of property claims [Xar'atyan 2015, 94]. On December 14, during the last meeting organised by the Initiative Group, commandant V.S. Omelchenko announced the following: "Obviously, these crimes did not occur just now, but were preceded by a long ideological preparation, that is why such issues are not solved right away: some time is required" [Oganezov and Xar'atyan 2014, 321].

Conclusion. The study shows that the mass massacres of Armenians in Kirovabad could not be organised on a larger scale due to the following circumstances. 1) the existence of a densely populated Armenian part of the city, 2) the fact that the Armenian-Azerbaijani parts of the city are separated by a river; 3) the self-defence organised by the Armenians. Like the pre-initial accumulation of capital in the Middle Ages, the redistribution of capital in Azerbaijan took place according bloody laws under the under a silent outlook of the civilized world. The presented factual circumstances are sufficient to claim that in 1988 in Kirovabad city of Azerbaijan, in other settlements, acts condemned by international criminal law took place. In particular, the United Nations (UN) 1948 Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide [UN General Assembly 1948] defines the crime of genocide. 1946 UN General Assembly Resolution 96 (1) states that *genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings* [UN General Assembly 1946]. For instance, the International Criminal Tribunal for Rwanda has concluded that genocide is impossible without a plan [ICTR 1999, para.94; ICTY 1999, para. 101].

According to the elements of a crime accepted by the International Criminal Court, "living conditions" include, but are not limited to, the deliberate deprivation of irreplaceable resources for survival, such as food or medical care, or the systematic eviction of persons from their homes [ICTR 1998, para. 502; ICTR 1999, para. 109]. From the above presented legal analysis and comparison of historical data can be concluded that the crimes committed in the city of Kirovabad of the Azerbaijani SSR correspond to the elements of the crime of genocide. Nevertheless, it should be noted that courts and tribunals often exercise caution when designating acts as genocide, using the term only in exceptional cases. In the aforementioned context, it is necessary to also consider the crime against humanity. Article 7 of the International Criminal Court of the Rome Statute [UN General Assembly 1998], adopted in 1988, stipulates that the "crimes against humanity" must be committed *as part of a widespread or systematic attack directed against any civilian population*.

An analysis of the characteristics of the objective aspects of crimes against humanity, the comparison of the presented evidence of the events against the Armenians of Kirovabad, demonstrates that even if the cited facts do not prove "beyond a reasonable doubt" the existence of genocidal intent, the mass massacres fall at least under the category of crimes against humanity.

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Anti-Armenian pogroms in the city of Kirovabad (Gandzak) of the Azerbaijan SSR in November-December 1988 were organized. This is proved by the reaction (lack of it) of the healthcare system to the massacres, the inaction of law enforcement agencies, and sometimes their active participation in the crimes, disruption of public services in the Armenian part of the city, and the presence of instigators in the city. Historical data on the Kirovabad massacres are sufficient to claim that crimes defined by the international criminal law took place in Kirovabad and other settlements of Azerbaijan in 1988. The crimes committed against the Armenians in Kirovabad correspond to the elements of the crime of genocide, as well as the crimes against humanity both with their objective and subjective aspects.