

**ORGANIZATION, MANAGEMENT, ECONOMIC CONSEQUENCES, AND
LEGAL QUALIFICATION OF THE MASSACRES OF ARMENIANS IN
JANUARY 1990 IN BAKU**

Narek SHARAFYAN

PhD Student at The Armenian Genocide Museum-Institute

Arman MARTIROSYAN

Doctor of Science in Economics

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Introduction. Within 1988-1990 in Baku, the capital of the Azerbaijani SSR, mass massacres were committed against the Armenian population (also known as the "Baku Massacres" or "Baku Pogroms"). These mass massacres were manifested in regular attacks, murders as well as large-scale deportation of the Armenian civilian population. The study showcases that the massacres of Armenians in Baku were not just local hooligan manifestations, but were pre-organized and also well managed. The data on the massacres of the Armenian population were previously known to the law enforcement bodies. Moreover, the massacres were committed with the permission of the law enforcement bodies and were accompanied with criminal inaction: the massacres were carefully organised and planned.

Methodology and literature review. Without underestimating the importance of other work and observation accomplished in regards to this subject, in order to have a better understanding of the aforementioned massacres and their consequences (including material) of a particular importance are I. Mosesova and A. Hovnanyan's "Baku pogroms" book, V. Harutyunyan's collection of documents "Events in Nagorno-Karabakh, Publications", "Collection of Baku massacres with eyewitness testimony" developed within the framework of "An Ordinary Genocide" program, the report published by the Human Rights Watch called "Black January in Azerbaijan". The analysis and further conclusions made within this article are largely based on the literature and evidence presented in the above mentioned works.

The article is written based on a comprehensive examination of facts and further application of the principles of historical analysis. At the same time, the methods of legal analysis were used to legally qualify the crimes committed against the Armenian population of Baku.

Scientific novelty. Despite the fact that the statistic data is extremely limited and poor, we made an attempt to make economically unambiguous assessments and tried to accurately measure the economic consequences of these tragic events. One fact is obvious: in those years there was a redistribution of wealth and property in a brutal and

bloody way, which is not typical for civilized nations. The Armenian population of Baku was rapidly leaving their homes and shelters due to the use of brute force and the threat of death. In those years, from demographic stand point, more than 15% of the population of Baku were ethnic Armenians who participated in the development of Baku. They controlled more than 20 percent of the revenue. Some of them, at best, were able to sell and exchange the property on significantly less unfavorable terms than the market price, taking with them a small part of the wealth they had accumulated over the years.

Analysis. When using the term "Baku massacres", one often refers to events that took place prior to January 19-20, 1990 ("Black January"), in particular, large-scale attacks on the Armenian population of the city, mass killings, and deportation organised from January 13 to 19 of the same year. Despite the abovementioned, the persecution of the Armenian population in Baku, the capital of the Azerbaijani SSR, the regular attacks and repressions against them started before the mentioned period, back in February of 1988 after the massacres of Armenians in the city of Sumgait [Armenian pogroms in Azerbaijan 1988-1990].

Signs of the massacres. Following the Sumgait events, the attitude towards Armenians in Baku had changed. Armenians were often discriminated against and sometimes subjected to physical violence due to their ethnicity.

Already on November 17, 1988, the first mass demonstrations began in the capital's Lenin Square against the policy pursued by the central authorities, which was mainly related to the situation in the Armenian-populated Nagorno-Karabakh [Noble et al. 2008, 296]. Within a few days, the most extremist slogans appeared in the list of those of the demonstrations and marches, such as "Death to the Armenians", "Let's go to Karabakh" [Centr obshhestvennyh svyazey i informacii apparata prezidenta RA 2016, 158].

The next active stage of the policy against the Armenian population of Baku was in 1989. It was in July-August, which laid the foundation for a new wave of deportation [Step'anyan 2011, 508].

The state of emergency in Baku was lifted in November 1989. [Mosesova 1992, 83], which led to the start of the next phase of extreme aggravation of the situation in the capital. In the summer of 1989 and autumn of 1988, the Azerbaijani Popular Front Party (hereinafter referred to as the "Front") was established on July 16, 1988. Its main goal was the independence of Azerbaijan from the USSR [Human Rights Watch 1991, 5]. The representatives of the Front had started interfering in the work of different institutions, forcing the leaders of the latter to dismiss the employees of Armenian origin. The representatives of the Front also later broke into the institutions to control the implementation of the further instructions [Centr obshhestvennyh svyazey i informacii apparata prezidenta RA 2016, 159]:

Already in early December, the lists of the families of Armenians, as well as Russian officers, with the relevant telephone numbers were already hanging in front of the Front headquarters [Bakinskie pogromy: kak jeto bylo]. The facts of compiling the lists of Armenians and their dependence on them in front of the Front headquarters were also confirmed by the former Front representative Alizade [de Waal 2013, 92].

On December 25, 1989, in the conditions of inactivity of the police [Balayan 2000], the Armenian St. Gregory the Illuminator Cathedral of the city was intentionally burnt down, as a result of which a large number of church books, icons and all church property were destroyed [Step'anyan 2011, 509]. And this explicitly demonstrates once again the "intentions" of Baku.

In response to the social agitation, during the USSR period the Nakhichevan Autonomous Soviet Socialist Republic and Baku were closed to foreigners from January 4, 1945. Thus, the Western media was deprived of the opportunity to cover the events of January held in Baku in 1990.

Process and management. Since January 11, 1990, mass demonstrations were convened by the Front in Baku, during which the slogan "Glory to the heroes of Sumgait" already known from the demonstrations during the trials of the Sumgait massacre could be heard [Sidorchik, 2020].

On January 12, the Azerbaijani Popular Front Party established the National Defence Council to protect the republic from "Armenian invasion" [de Waal 2013, 90-91]. It is noteworthy that four of the five leaders of that council were representatives of the extremist party in the Front, of which Neymat Panakhli (Panakhov) had actually called for the expulsion of Armenians from Azerbaijan [BBC News, 2020].

Already on January 13 the number of participants in rallies in Nagorno-Karabakh against the party government reached 250 thousand. During the demonstration, groups emerged from the ranks of the demonstrators and began carrying out mass killings, beatings, rapes, apartment demolitions, and other crimes against the Armenians still living in the city [Zurcher 2007, 166-167]. The periodical press of the time reported data on the number of massacres. In particular, according to the press, on January 13, 1990, after 5 pm, the number of people separated from the demonstration in Lenin Square in Baku for the massacre of Armenians was about 50 thousand [Mosesova, 1992, 35].

From that moment on, the massacres of Armenians in the capital became large-scale and clearly coordinated. The organised massacres continued and controlled at the same pace for a week, until January 19.

On January 15, when the massacres were carried out on an unprecedented scale, the presidency of the USSR Supreme Soviet decided to establish a state of emergency in

Nakhichevan on the basis of unrest on the border with Iran. For reasons incomprehensible to everyone, including for the international community, the decision did not address the events in Baku [Human Rights Watch 1991, 8].

It is clear from the observation of the available evidence that the deportation of Armenians was not the only motive for the crimes committed in Baku in January 1990. In particular, throughout the January massacres, the perpetrators tried to create obstacles for Armenians to leave the country. The armed groups of the Front had taken control of the main highways, airports and railway stations of Baku, and the main purpose of the control was to identify Armenians, to physically abuse them, sometimes even by burning them. There is a number of evidence about the above mentioned [Centr obshhestvennyh svjazej i informacii apparata prezidenta RA 2016, 104, 116] [Centr obshhestvennyh svjazej i informacii apparata prezidenta RA 2017, 113], about which also, in his January 22 speech mentioned M. Gorbachev [Balayan 2000]. The presented actions testify to the control of the massacres of Armenians.

The only realistic way for the Armenians to leave the city was to leave the port by ferry. However, in this case as well, there are historical facts that testify to the cases of throwing Armenians off the ferries in the presence of law enforcement officers, killing, beating, raping and committing other crimes thereof. [Centr obshhestvennyh svjazej i informacii apparata prezidenta RA 2017, 59-60] [HorizonArmenianTV, 2011]:

The massacres lasted until almost all the Armenians remaining in the city had to leave the territory of Azerbaijan. Only after that, by the decision of the presidency of the Supreme Soviet of the USSR on January 19, a state of emergency was declared in Baku from January 20 [Harowt'yownyan 1993, 70]. On January 19-20, the USSR troops entered the city by force, as a result of which civilians unrelated to the incidents were also killed.

It is important to briefly discuss some patterns of the massacres of Armenians in Baku, which substantiate the methods of massacre control.

1) Inaction of law enforcement bodies: there is a lot of eyewitness testimony about the active participation of the police in the massacres, as well as about the inaction of the police [Mosesova, 1992, 110, 125, 179, 188, 218], [Golovkov, 1990], [Centr obshhestvennyh svjazej i informacii apparata prezidenta RA 2016, 9-10, 60].

2) The encouragement of the massacres of Armenians by the party authorities: The role of Vezirov in the establishment of the National Defence Council has often been discussed [Step'anyan 2011,10]. Vezirov also confirmed that he was categorically against the establishment of a state of emergency in Baku [velimamed, 2015].

3) *Existence of organised groups of perpetrators*: V.G. Provotorov noted that the National Defence Headquarters (council), which undertook the leadership of the Front, began preparing its own "armed forces", which were divided into subdivisions consisting of 20-30 people [Provotorov 1990, 39-40].

4) *The nature of the massacre*: the conclusion of the "Vahan" ("Shield") NGO of independent military experts states that the internal troops were able to stop the massacres. Baku was completely incapable of protecting Armenian families from massacres [Shhit, 1991, 47].

Consequences and condemnation. There is no unified data on the number of victims of the Baku mass massacres or other consequences. Moreover, it is impossible to find out the approximate number of victims. In any case, based on the available data, some traces of the Baku mass massacres will be presented.

1) *Murders*: according to the USSR People's Deputy V. Chelishev "After the bloody massacres, which ended on January 15 under various circumstances, even according to official data, about one and a half hundred people were killed in Baku" [Mosesova 1992, 36]. According to other data, the number of Armenians killed in Baku exceeded 400 [Step'anyan, 2011, 514]. According to eyewitness accounts, at least 500-600 Armenians were killed in Baku. [Centr obshhestvennyh svjazej i informacii apparata prezidenta RA 2016, 4]:

2) *Forced migration*: According to Christoph Zürcher, by January 175,000 Armenians had already left the city after the Sumgait massacre, and 13,000 Armenians left the city in January. On January 19, when the Soviet army entered the city, the majority of Armenians had already left [Zürcher 2007, 166-167].

3) *Economic (material) losses*: targeted attacks on Armenian homes took place in Baku, during which property was destroyed or looted. Taking into account the fact that the mentioned apartments were often immediately inhabited by Azeris from the Armenian SSR, no proper investigation of the cases was held, it is indeed difficult to consider the statistics as being reliable. Human Rights Watch recorded 2,044 home raids and 191 robberies during the January massacre [Human Rights Watch 1991, 7]. This data is not comparable with the volumes of real estate destruction mentioned in the eyewitness testimonies. Due to the pogroms in Baku, the large Armenian population deported from the Azerbaijani SSR to the Armenian SSR was in an extremely difficult socio-economic situation, which also had a direct impact on the socio-economic situation in Armenia.

4) Institutionally forced migration and brute redistribution of capital could lead to rapid enrichment in the short-term sector of the invading party, but in the long run it would lead to a reduction in investment in the country and an outflow of resources. The property of Armenian citizens and businessmen became the subject of many riots and

fighters. The distribution and redistribution of that property took the lives of dozens of people, becoming a major rift in society. On the one hand, the creation of the idea of an enemy for the nation had to play a unifying role for the nation, on the other hand, the economic component, the obsession with taking other people's property, getting rich quick, became a reason to divide the nation.

Conclusion. The presented factual data is sufficient to claim that in 1990 Acts condemned by international criminal law took place in the Azerbaijani city of Baku. 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].

The crime of genocide is characterized from a subjective standpoint by a special *intention*: it must be committed with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group. The International Criminal Tribunal for the Former Yugoslavia (ICTY) in the case of Karadzic-Mladic has stated that only actions of *exceptional severity* should be considered genocide [ICTY 1996, 15-16]. The International Criminal Tribunal for Rwanda has concluded that genocide is impossible without a *plan* [ICTR, 1999, para.94; ICTY 1999, para. 101].

From the above presented legal analysis and comparison of historical data can be concluded that the crimes committed in January 1990 in the city of Baku of the Azerbaijani SSR correspond to the elements of the crime of genocide. Nevertheless, it should be noted that from the point of view of both the responsibility of states and the international criminal responsibility of individuals, the threshold for proving the special intent of the crime of genocide is considered to be the highest.

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 Baku, 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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Narek SHARAFYAN, Arman MARTIROSYAN

Organization, management, economic consequences, and legal qualification of massacres of Armenians in January 1990 in Baku

Key words. Baku, pogrom, massacres, genocide, economic losses, crimes against humanity, ethnic cleansing, Armenophobia.

Anti-Armenian pogroms in Baku, the capital of the Azerbaijan SSR, have become systematic and widespread since January 13, 1990. The massacres of Armenians continued for a week, until January 19. The inaction (sometimes active participation) of law enforcement agencies during the massacres, the encouragement of pogroms by the authorities, the presence of organized groups of rioters in the city prove the organized nature of the Baku pogrom and that it was controlled from one center. The Baku pogrom had painful consequences, including mass murder, deportation, and economic (material) damage. There is enough historical data about the Baku pogrom to assert that international crimes against Armenians were committed in Baku in 1990.