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KHOJALY TRAGEDY: LESSONS OF THE PAST AND OUTLOOK FOR THE FUTURE

The Khojaly problem today is not limited to the events of the night of 26 February 1992, the essence of which is the killing, according to official figures, of 613 civilians, including hundreds of women and children. **This biggest war crime of all armed conflicts of the time of disintegration of the USSR was a kind of turning point in the Karabakh war, virtually eliminating the possibility of reconciliation in the short term between the civil societies of Azerbaijan and Armenia.** With its fact, Khojaly serves as a stumbling block for any Karabakh conflict settlement option. This tragedy was a crushing injury to the collective consciousness of Azerbaijanis, in addition to the occupation of one fifth of the country's territory.

Now the pain of loss has become somewhat dull, but the desire to find redemption or some compensation for the never-healing wound of the national disaster lives and finds new forms – this is how I would describe the dry residue of the Khojaly tragedy after 25 years. The need to punish the criminals, apart from international legal and propaganda reasons, has acquired a different, practical shape – **the Khojaly drama is inscribed in the foreign policy strategy of Baku to liberate territories from Armenian occupation**, which it supplements in a way, sometimes intensifying it and thus giving it a kind of humanistic meaning.

Khojaly may well be **the impetus for a new international consensus on the issue of war crimes in the world today** – i.e., the practical task of Azerbaijani diplomacy, and in this capacity, strengthen the function of the argument in the struggle for the return of Karabakh.

Let's try to understand this complex and paradoxical combination of different effects of the Khojaly drama.

I.

Frankly speaking, promoting the problem of genocide against the Azerbaijani people, particularly on this case of premeditated murder is a difficult task and is unlikely to be fully feasible after the degradation and distortion of the term "genocide" as a result of a century of the massive propaganda manipulation of the world community by the Armenian diaspora. Yes, **Baku has made very serious efforts for the recognition of Khojaly as genocide according to the principles of international law** - there are certain results at various regional levels (See "Legal aspects of Khojaly genocide", Tofig Musayev, IRS magazine, №5, 2008). Parliaments and legislative bodies of a number of countries and US states have adopted resolutions and declarations recognizing and commemorating Khojaly genocide. Therefore, there is a need for systematic work by the state (the embassies of Azerbaijan, the Ministry of Foreign Affairs and the Heydar Aliyev Foundation) and civil society activists (especially the diaspora) to blur this barrier of silence - conduct information campaigns, work with political scientists and journalists and post articles in the international media. This work should be carried out continuously, and not from date to date.

However, this is not the problem. We have to admit: achieving full satisfaction or receiving any kind of compensation for the foreseeable future is problematic. We can appeal to legal norms and precedents a lot and insistently, but the world, which drained the cup



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of violence in the 20th century, which does not seem to end in the new century, listens very little to “private” dramas that do not have sufficiently strong and timely information support. This trend is reinforced by the fact that the international community is tired of Armenian propaganda, especially after 2015: Yerevan and the diaspora showed no special achievements in this matter. Rather, there is a reverse result here - **major powers use this subject in their internal developments** (election promises by politicians in countries with a large Armenian diaspora) and **as an element of bargaining on the current foreign policy agenda** (for example, the problem of relations between Turkey and the United States, and Turkey and the EU). Armenian “genocide” has become no more than an instrument of exerting pressure and ensuring one’s own interests.

Here it makes sense to cite a fragment of one of the best polemical articles that reveal the trick of the Armenian information machine: *“If an incident falls under the term ‘genocide’, let us call it that. But the tears of a Turkish or Kurdish child have the same weight as those of an Armenian one. The rules must be the same for everyone. If they are applied to the abominations allegedly carried out by Turks, they should be applied in exactly the same way to the same abominations committed by the Armenians, and if you recognize the Armenian genocide by the Turks, it is necessary to recognize the genocide of Turks by Armenians in the same way.”*

*They tell me: “Well, how can you compare! A million and a half Armenians were killed, and only 100,000 Turks. You can clearly see who the victim is here!”. Friends, I’m sorry, but **genocide cannot be measured quantitatively. Is it that a hundred thousand victims is not genocide, but one hundred and one is genocide? Genocide is primarily an intention to destroy a people.** This is what both sides likely did. If the Turkish army carried out the cleansing of its rebellious territories on an ethnic basis in wartime, Armenian militants set fire to Turkish houses by the same token, too, so that a people of certain ethnic background who had left do not even have the possibility to come back, because there’s nowhere to come back. (The scale of ethnic cleansing carried out by Armenian military units on the temporarily occupied territories of the Ottoman Empire in 1915-1920 is indirectly indicated by the generally accepted fact that the Turkish-Muslim population in these areas had decreased by nearly two million people.)*

History shows that a great nation has more opportunities to harm a small nation, but it is the small nation that often shows greater cruelty, because it uses it as a deterrent to the greater nation” (Андрей Енифанцев. Геноцид армян: есть ли предел у дискуссии?, <http://www.vestikavkaza.ru/analytiks/Genotsid-armyan-Est-li-predel-u-diskussiy-1.html>).

As at all times, politics nowadays is subordinated to interests, albeit it cynically manipulates principles. In the case of Armenia, the paradigm of national mythol-

Artist Nizami Huseynov, «Victims of Khojaly»



ogy dictates a body of ideologies and official postulates, and myths are widely used in foreign policy with the support and vast influence of the diaspora. Thus, the well-known rule stating that it is political subjects and their interpretation, not facts that govern world politics is multiplied significantly in the Armenian political field. A fact that does not fit into its story or runs counter to its logic is automatically swept aside and is challenged or falsified.

It is hardly possible to break the vicious circle of these discussions, especially to win in them, putting a full stop once and for all by defining in relation to whom there was "more genocide". It does not matter whether you're an interested party in this dispute of allegedly indisputable archival facts, outright lies, half-truths and third-party opinions, or just an observer. **The only way is to seek punishment for the perpetrators of specific war crimes** not confining yourself to the formal use of the vague term "genocide" by politicians.

As for the massacre in Khojaly, it is possible. Azerbaijan has applied to Interpol to search for several Armenian politicians involved in the Khojaly tragedy. Among the 38 suspects, documents on whom have been forwarded to the National Bureau of Interpol, is the commander of the 2nd Battalion of the 366th Regiment, Major Seyran Mushegovich Ohanyan, who subsequently became Defense Minister of Armenia (<http://kavkasia.net/Azerbaijan/2010/1267034342.php>).

Can Baku receive proper satisfaction in this field? It depends on the combination of the will of Azerbaijan itself and the stiff atmosphere in the environment of international relations.

At a certain point, Interpol changed its attitude towards the search for the perpetrators of political, military, religious or racial crimes. At the same time, experience shows that even if such a person is detained in a third country at the request of Interpol, there are a number of loopholes that allow lawyers to lift the restrictions and



return the detainee to his homeland, although Baku's insistence can lead to the restriction of foreign travel for all participants in this massacre.

In its judgment of 22 April 2010, the European Court of Human Rights described the events as *"a very serious action, a war crime or a crime against humanity"* - it also plays in favor of the gradual building of networks for detention and prosecution. However, the prospect of these cases is extremely durable, though not "opened". Besides, Azerbaijan has not signed the Rome Statute for unclear reasons and, therefore, has not joined the International Criminal Court. Yes, this body is highly politicized and can be turned against the signatory itself in the event of any major negative shocks in the country. In addition, appealing to the ICC requires the mediation of several members of the UN Security Council. A number of countries fundamentally oppose the idea of an ICC endowed with indefinitely broad powers that limit

the sovereignty of states; among them are the US, China, India, Iran and Israel. In November 2016, Vladimir Putin issued a decree about the intention of the Russian Federation to withdraw from the Court and to cease activities in the Rome Statute, which is the basic law of the ICC.

Since the beginning of its work in June 2002, the ICC has received complaints about crimes in at least 139 countries, but so far the prosecutor of the court has initiated an investigation only into eight situations in Africa: in the Democratic Republic of the Congo, Uganda, Darfur in Sudan, Kenya, Libya, Côte d'Ivoire and Mali. Of these, four were referred to the Court by the states themselves as interested parties (Uganda, Democratic Republic of the Congo, Central African Republic and Mali), two were referred by the UN Security Council (Darfur and Libya) and two were initiated by the prosecutor (Kenya and Côte Ivoire). Laurent Gbagbo, the former president of Côte d'Ivoire, and his assistant Charles

Artist Ismayil Mammadov, «Genocide»

Blé Goudé appeared before the court on charges of crimes against humanity during the armed conflict of 2010-2011. On 28 January 2016, the hearings on the case started.

Azerbaijan needs to work out all the possible pros and cons of membership in the ICC. Whatever it is, there are no alternative international bodies yet. And the investigation into the Khojaly events should lead to the final act of the court - what is the point in this work then?

The Khojaly tragedy is a fact of the Armenian-Azerbaijani conflict, which cannot be ignored. This is the first concrete event measurement. The second one is the consequences. And here **there is a clear problem of the gap between international legal norms and practices of real politics of the great powers**. It is not only the diffusion of the principles of law before the situation of the political moment, but also conscious braking of legal assessments on the part of observers and peacekeepers in the Karabakh conflict. It is known that the present ruling elite of Armenia, the leaders of the so-called Karabakh clan and specifically President Serzh Sargsyan, are personally responsible for this war crime. Nevertheless, **neither Russia nor Azerbaijan's partners in the West are ready to move this event to the plane of international criminal law**. There is still an effective set of motives that make Russia and the West unwilling to spoil relations with Armenia and the Armenian diaspora elite because of the Khojaly problem.

At the same time, as the current policy shows, Azerbaijan manages to influence international public opinion at least on the track of the closest neighbors. After leaving the post of the Armenian defense minister, Ohanyan contended for the post of Secretary General of the Eurasian regional organization, the CSTO (after the tenure of the current Secretary General Bordyuzha ends, according to alphabetical rotation, Armenia offers its own candidate). The fact that this appointment was blocked by the presidents of Kazakhstan and Belarus shows that Baku is working in this direction behind the scenes (<https://ria.ru/politics/20161226/1484650926.html>).

II.

Let us move onto the next topic. Now, after a quarter of a century, we should substantiate a clear balance of what we want to show and how to achieve it soberly, without undue emotion, demagoguery and unrealistic expectations. Being part of a political struggle with Armenia for the return of Karabakh, the Khojaly tragedy



must become **an impulse for the generation of a mechanism of a new consensus on war crimes in a changing world**. Now this problem is more than difficult, given the tragedy of the Arab revolutions, wars in Syria and Iraq (in 2016 alone, more than 16,000 Iraqi civilians were killed in acts of terrorism and war). Despite the sharp increase in war crimes by both states and non-state entities in the last decade, the intransigence of the geostrategic interests of the great powers and their alliances makes the development of a common policy in respect of war crimes and, therefore, full-fledged work of the international criminal court a matter of the distant future. Sadly, the value of human life in our time is dramatically reduced just like the measure of government accountability. A good example is that Mikhail Gorbachev avoided liability for the events of 20 January 1990 in Baku, 13-14 January 1991 in Vilnius and 9 April in Tbilisi.

Nonetheless, the above objective is, firstly, noble - it meets the humanistic impulse of Azerbaijan, secondly, it is technically achievable for modern Azerbaijani diplomacy, and thirdly, it will seriously raise Azerbaijan's profile on the world stage. **The powerful humanistic impulse of Khojaly continues to be an important factor in modern Azerbaijani diplomacy, promoting the**



Artist Ashraf Heybatov, «Khojaly»



country's prestige on the world stage. Diplomatic activity in this vein may cover changes in the convention on military crimes, adjusted for modern civil wars and hybrid terrorist attacks; the formation of the worldwide "ritual of memory" for victims of terror, which could be joined by other members; the development of norms of public repentance by those guilty, as well as methods of civil censure - all these are parameters of the new policy, which await their description and confirmation as a new practice.

Where we are dealing with a crime of the former Soviet regime against society, a political ritual understood and shared by most post-Soviet states is required. In this regard, the fundamental position regarding Gorbachev's liability for 20 January and the fundamental desire to punish the perpetrators of Khojaly need to be assessed as Azerbaijan's contribution to the process of developing a new responsible attitude to the common past.

The United States' increased isolationism and focus on economic interests and the Europe's internal crisis and new nationalism of open up an opportunity for independent steps by Azerbaijan in this and other areas.

The model of an open and inclusive global order with its stereotypes and rules remain in the past. Speaking in market terms, a deep correction, stock-taking and digestion of the acquired assets – both "light" and "black" ones - is required. Most likely, the next few years will be dedicated to this. The Khojaly tragedy, forgive me for such a comparison, is such an asset from the category of "black swans". This work is necessary also because the amount of violence in the future, apparently, will increase.

III.

The tragedy in Khojaly was the highest point of the Nagorno-Karabakh conflict, this never-healing wound on the body of both the Caucasus and the former Soviet Union. Now, after 25 years, there is a need for explanations about what was once obvious. It hurts the heart so badly and is stored in memory because it came after many years of peace within the USSR. Several generations lived in a state that was not probably the most perfect, but stable, when people could easily go from Baku to Yerevan on business and vice versa. At the turn of 1988-1989, the Karabakh conflict grew into a phase in



which such a trip was fraught with a real risk to one's life. With every month, the escalation of violence increased. By the beginning of 1992 – by the time of the tragedy in Khojaly, enterprises that united the economy of Armenia and Azerbaijan no longer functioned in Karabakh. People, who were Soviet citizens a year or two before, that is to say just yesterday, began to kill each other with unprecedented cruelty and ferociously. That's why **the Khojaly tragedy is memorable as a milestone that people crossed in relation to one another: yesterday's Soviet citizens began to divide each other into those whom they can kill and those whom they cannot.** In this context, we can talk about a scenario and deliberate organization of the massacre, in which, by the way, an active role was played by professional terrorists from the foreign Armenian diaspora.

As part of the late Soviet society, there were many taboos on the use of violence. The tragedy of Khojaly was the rough breaking of taboos and thereby greatly **raised the level of confrontation, when violence was already directed particularly against the civilian population.** In this way, hundreds of civilians were deliberately killed in the corridor for the exit of the city's population – a demonstration of the readiness of one of the parties for ethnic cleansing. The inter-ethnic confrontation and

the civil-political conflict turned into a war of armed men against civilians. This is probably the most important thing that happened in Khojaly - the transition of military operations into the format of ethnic cleansing.

The motive is quite obvious - the death of 613 civilians, including women, children and the elderly, radically eliminated the possibility of quick reconciliation between the societies of Armenia and Azerbaijan. **Had it not been for the tragedy in Khojaly, the process of the peaceful settlement of the Nagorno-Karabakh conflict could have been much more active and effective.** Perhaps attempts to secure civil reconciliation between Armenians and Azerbaijanis, between the communities that lived in Karabakh, and then moves to build a civil dialogue at the international level could have brought tangible benefits. It would probably be not a complete peace, but in any case, a more neutral atmosphere between the two countries and communities. Now all this requires certain procedures associated with the memory of the victims and the clarification of the attitude of the Armenian leadership to the crime.

Any future settlement scenarios that are being discussed today will ultimately be impossible to implement without defining positions on Khojaly. And it is very difficult. Azerbaijan seeks to inform the world about the

Artist Nadir Bayrishov, «Khojaly fugitives»



crime and about how the Azerbaijanis suffered during the conflict. Of course, its behavior does not suit Armenia, and it is not yet ready to bear any responsibility for Khojaly in any way.

IV.

Now, after a quarter of a century, Armenia practically exhausts the effectiveness of the past stake on military kleptocracy united by common crimes. It is known that the Karabakh clan still holds a dominant position in the hierarchy of groups of the ruling elite of Armenia. But it is also clear that not the whole of Armenia is the way propaganda depicts it. And it's important to know this in Azerbaijan. Increasingly, there are individual figures and even political groups initiating not only a revision of Armenian policy, as does former president Levon Ter-Petrosyan, but also a re-evaluation of once-unshakable postulates or hushed up facts like the tragedy in Khojaly. One of them is journalist Anna Paityan (https://www.facebook.com/annanahitpaitian?ref=br_rs). Here's a snippet of her post on a social network: *"The gang of Serzh Sargsyan's murderers is now engaged in distributing my post about Khojaly and persuading everyone to attack me. Listen, you, a pack of gray wolves. You are like anti-Semites spreading hate for the Jews, using Serzhik's money you sow people's hate for Turks, Georgians, Azeris, etc. You all need to be arrested and isolated from a normal society, because you are terrorists. Serzh Sargsyan says that there was no Khojaly genocide. It is an outright lie. Whoever kills an Azerbaijani child will kill an Armenian child too."*

Paityan cannot be called a comfortable figure for all

Azerbaijanis, especially for radicals. On the one hand, it really is a step forward that there are citizens in Armenian society who are not ready to forgive or forget the crimes of their current politicians against Azerbaijanis. At the same time, she is talking about real or imagined crimes of Azerbaijanis against Armenians, and it must be understood too. However, **it is precisely because of such statements that public reaction at the level of political action gradually matures – accordingly, there will be new rules of interaction between Armenians and Azerbaijanis.** And not everything rests on Armenia. Azerbaijani society must also find political opportunities and intellectual forces for dialogue. Not always will it be pleasant, reciprocal actions and the ability to listen to Armenian civilian refugees who suffered from Azerbaijani radicals and the military are needed. The civil initiative "Platform of peace between Armenia and Azerbaijan", which was developed in Baku, is ready to raise these issues.

If meetings similar to those held in Baku at the end of 2016 (<http://www.vestikavkaza.ru/news/Platforma-dlya-mira-mezhdu-Armeniyey-i-Azerbaydzhanom-netvoyne-i-okkupatsii-Karabakha.html>) continue or even better, expand, something bigger may start from this format, involving wider strata of society. Several initiatives of this kind will create prerequisites for future possibilities of bi-communal coexistence in Karabakh and the surrounding region to the point where problematic issues of regional geopolitics and military confrontation will be removed - that is by the time the occupied



Azerbaijani territories return under the jurisdiction of Baku in accordance with the Madrid principles of settlement. When this will happen is not known. However, it is important to engage in civil dialogue now, since the process of overcoming hostility is very long and can stretch for many decades. Even when Baku and Yerevan step towards each other and the first practical steps are taken in the form of the handover of some of the occupied districts to Azerbaijan, tensions between societies spurred by radicals will decrease.

And here the problem of Khojaly will appear again. How it will be possible to combine the demands for the punishment of criminals and dialogue - I have no answer yet. But to do this, it is necessary to engage in public diplomacy here and now in order to elaborate such a response. If the voice of reconciliation is more accentuated without fear to discuss such complex issues as war crimes against civilians in Khojaly and if it is possible to formulate a full conciliatory position against this background, it will be one of the rare occasions in the world where peoples will try to resolve this kind of conflict.

It is noticeable that there is required minimum support for this initiative from the official authorities of Azerbaijan, and it will live its life, though not so quickly. **In any case, any scenario of conflict settlement requires public dialogue:** each move and every compromise in the Karabakh issue require normalization of the social atmosphere and reduction of inter-ethnic

hostility, which is quite strong today, and largely because of Khojaly.

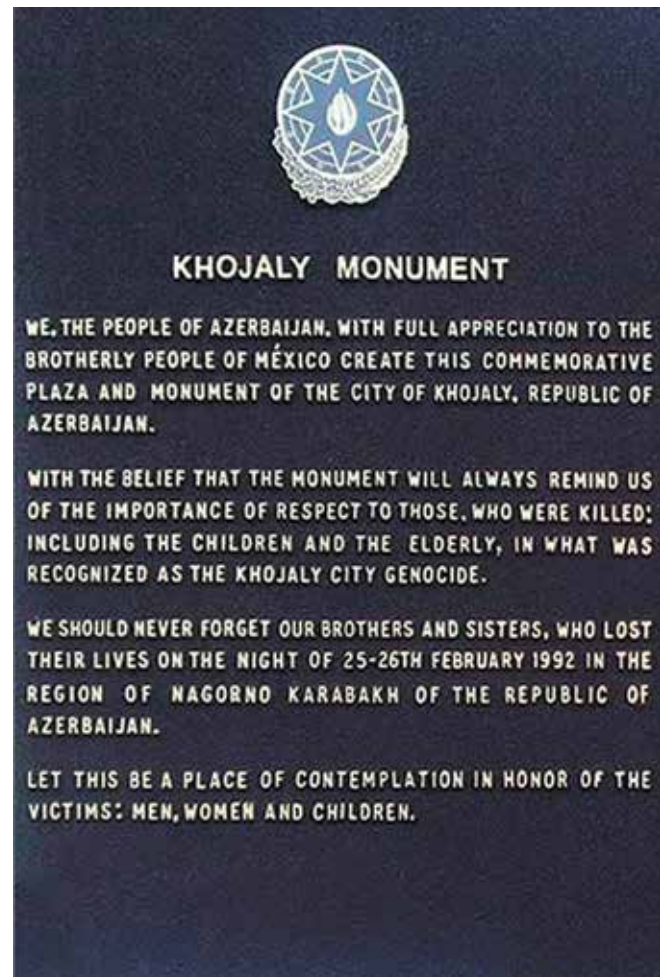
V.

Existing documents and the amount of obvious factual data suggest a holistic picture allowing us to create a picture of what happened in Khojaly on that fateful night. But this is not enough. Further work to study and cover these events requires the participation of experts in the field of Russian military history and possibly extra work in the archives of the Russian secret services and army.

Another question - how the international community is aware of this tragedy - rests on **the general peripheral perception of the Karabakh war in the modern information and political space**. That same multi-polar world many dreamed of has already come, and now the question arises how it will be arranged. The content of foreign policy should be different - it must include new answers to events like Khojaly. In this sense, Azerbaijan is in a unique position because it can set a new humanistic agenda and participate in changing old formats, using the platforms of the UN, Non-Aligned Movement, the Organization of Islamic Cooperation, and even the Shanghai Cooperation Organization.

The demand for ideas will increase everywhere: how can the new world, in which all parameters - values, social, technological and geopolitical - change qualitatively, operate? It is time for Azerbaijan **to offer something of its own, not just aimed at something to fend off**

Monument to the victims of genocide in Khojaly. Mexico



the West's external pressure or defend its interests in the same Karabakh, but something that includes the understanding of the "common good" and the mutual responsibility of the state and society in the face of tragedies and crimes. History is eventually driven by those who operate with such concepts as humanism and tolerance rather than war and violence.

As a result, I will list new initiatives that could strengthen Azerbaijani diplomacy.

1. Azerbaijan's global awareness campaign must be based not only on information in the media: it is necessary to create groups of allies (at the level of social networks, in expert groups, in an environment of well-known political scientists and politicians of individual countries) to further promote the theme of Khojaly in the plane of judiciary and other bodies able to create obstacles to the actions of participants in this campaign. In this regard, assistance from leading foreign lawyers is no less important than publications in the media.
2. It is necessary to develop and offer new approach-

- es within the institutions of international diplomacy that can become a norm of political and socio-political satisfaction. It is a kind of global "politics of memory" for crimes against humanity in the recent past. In this regard, the Non-Aligned Movement and the Organization of the Islamic Conference have certain prospects, in any case, we can develop such initiatives at the global level on their platform.
3. It is necessary to carry out a similar exercise with Russia within the framework of its "politics of memory" (on 30 October, Russia officially marks Day of Memory for victims of political repression, which can be used for publicizing all crimes of the time of the disintegration of the USSR and including them in the official calendar of the CIS). Thus, we can try to work out a political ritual in relation to the crimes of the Soviet regime against the citizens of the USSR (true not only for the events of 20 January 1990, but also for a number of others). It is possible that this will find understanding among other partners of Russia in the post-Soviet area. 🌟