

GENOCIDE IN KHOJALY: CAUSES, CONSEQUENCES AND INTERNATIONAL RECOGNITION

Policy of ethnic cleansing and genocide against Azerbaijanis in the 20th century

Conclusion. See the beginning in IRS-Heritage, 4 (36) 2018

Azerbaijani law enforcement agencies instituted criminal proceedings on charges of the facts of killings and mutilation under torture of some of the Azerbaijani prisoners and hostages held by the Armenian armed units in Azerbaijan's occupied territories and in Armenia since 1988, as well as sabotage and terror attacks, mass deportation, destruction of residential areas, tangible heritage, historical and cultural monuments (1). Investigators established that **the actions of the Armenian forces and servicemen of the 366th regiment constituted an act of genocide enshrined in the Convention on the Prevention and Punishment of the Crime of Genocide of the UN General Assembly, dated December 9, 1948, and Clause 103 of the Criminal Code of the Azerbaijan Republic** (5, p. 34). Crude violations of numerous significant norms of international law by those involved in the operation to seize Khojaly were documented, namely, clauses of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces, on the Treatment of Prisoners of War, on the Protection of Civil-

ian Persons in Time of War, dated August 12, 1949, which forbid infringement upon the lives and physical inviolability of the persons who are not directly involved in warfare, murders, mutilation, abuse and tortures, taking hostages, humiliation and degrading treatment (3, p. 69). In keeping with the outcomes of the investigation, **38 of the servicemen of the 366th regiment and other persons whose involvement in the act of genocide had been fully proven were charged with crimes under Article 103 (genocide), Article 107 (deportation or forceful relocation of population), 113 (using torture), 115.4 (violation of the laws and customs of warfare) of Azerbaijan's Criminal Code;** the most severe measure of restraint, namely, imprisonment, was ordered for the charged persons and they were put on the wanted list through the Interpol (1).

In the course of the investigation into the Khojaly genocide 2,213 people were questioned as eyewitnesses and afflicted persons and over 800 examinations were conducted. Queries were sent to the Prosecutor General's Offices of the Russian Federation, Uzbekistan

Artist Asaf Azerelli, "Last day of Khojaly"



and Kazakhstan over legal aid related to the provision of the list of the killed and wounded servicemen of the 366th regiment, seizure of military equipment by Armenians, as well as provision of information on the shelling of Azerbaijani settlements using the 366th regiment's military equipment, etc (1). **Operational and investigative measures** continue to be taken **to collect data that proves the involvement of the commander of the 2nd battalion of the 366th regiment, Seyran Oganyan (he served as Armenia's Minister of Defense until October 2016), the commander of the 3rd battalion of the 366th regiment, Yevgeny Nabokikh, and others, in committing genocide,** and arraign them, as well as to identify the individuals responsible for torturing and killing captives and hostages and those who committed genocide in the Azerbaijani villages Meshali, Garadaghli, Baganis-Ayrim, and mass deportation of Azerbaijanis (1). Investigation data clearly shows that Oganyan and Nabokikh directly led the assault of Khojaly and more than 50 officers and warrant officers of Armenian descent were among those involved in the operation (4, p. 144-145).

Delivering the truth about Khojaly to the world community. In February 1994, the Milli Majlis of the Azerbaijan Republic gave an adequate political and le-

gal assessment to the Khojaly developments (2, p. 8). On February 25, 2002, Azerbaijani President Heydar Aliyev adopted an appeal to the Azerbaijani people over the 10th anniversary of the Khojaly genocide saying, *"The Khojaly tragedy is the continuation and the bloodiest page in the policy of ethnic cleansing and genocide, which Armenian chauvinists and nationalists have been pursuing against Azerbaijanis for almost 200 years."* (5, p. 21).

Exposing those who unleashed the Khojaly genocide and extensively informing the international community to that end is currently one of the priorities of Azerbaijan's foreign policy. A number of important steps have already been taken to convey the truth about Khojaly to the world and achieve an unbiased assessment of this tragedy. Notably, **the Heydar Aliyev Foundation is systematically and consistently working in this regard.** Thus, on February 26, 2007, an exhibition of photographs and children's drawings titled "Victims of aggression" was organized at the Foundation's initiative in Brussels. On February 19-26 of the same year, the Foundation held commemoration ceremonies in Istanbul and 25 Turkish provinces as part of the Khojaly Week program (20). The scientific conference "Khojaly genocide and the realities of the 1915 developments", held in Berlin on February 14, 2008, was of great importance



as well (20). In 2012, the 20th anniversary of the Khojaly tragedy was marked in over 100 cities around the world with the support of the Heydar Aliyev Foundation (19). A series of events dedicated to the Khojaly genocide is underway on the basis of propaganda materials prepared by the Foundation. Currently, the Foundation is holding large-scale commemorative events in numerous countries aimed at raising awareness about the truth regarding the tragedy. Notably, the Foundation's representation in Russia is conducting such events within the framework of the Islamic Conference Youth Forum for Dialogue and Cooperation.

The Organization of Islamic Cooperation is the first international organization to have recognized the Khojaly tragedy as genocide. On May 8, 2008, on the 16th anniversary of the occupation of the Azerbaijani town of Shusha by Armenian armed forces, **the international awareness and advocacy campaign "Justice for Khojaly"** was established on the initiative of the chief coordinator of the OIC Youth Forum on Intercultural Dialogue, Leyla Aliyeva, **and launched in February 2009** (3, p. 119-120). The main goal of the campaign is to spread the truth about the genocide, achieve an unbiased moral and political assessment of these developments by the international community and commemorate the victims of the bloody massacre. Presently, the campaign is being successfully implemented in many countries worldwide. Moreover, in accordance with the agreement, signed in July 2009 between ICYF-DC and ISESCO, information about the Khojaly tragedy is to be

included in the history textbooks in the member states of the Organization of Islamic Cooperation (21).

Within the framework of the "Justice for Khojaly" international campaign, a resolution was passed, and it stipulates that the tragic developments are deemed as **"a mass slaughter unleashed by Armenian armed forces against civilian population"** and **"a crime against humanity"**. The resolution includes a clause urging comprehensive support for the "Justice for Khojaly" campaign both at the nationwide level and internationally. It is the first document whereby international organizations recognized the Khojaly tragedy as "a crime against humanity".

On January 19, 2011, **a declaration urging recognition of the Khojaly tragedy as "a massive crime against humanity"** was passed at the 13th session of the Council of the Parliamentary Union of the OIC Member States in Abu Dhabi, UAE (9). The 7th session of the OIC PU member states, held in Palembang, Indonesia on January 31, 2012, confirmed its support for the "Justice for Khojaly" campaign. The resolution, titled "Aggression of the Republic of Armenia against the Republic of Azerbaijan", which has been regularly passed in recent years, has been supplemented by a special clause on the Forum's initiative. Its section pertaining to the Khojaly tragedy says, *"The conference calls on the parliaments of the countries participating since 2012 (20th anniversary of the tragedy) to recognize the massacre, which was perpetrated by the Armenian armed forces against the peaceful Azerbaijani population and was of genocidal nature, and urges to bring*

to book those responsible for the genocide in Khojaly." (10).

This recognition was a logical outcome of the efforts made as part of the international campaign "Justice to Khojaly", which has been implemented since 2009. It is also noteworthy that it is **the first international document regarding the Karabakh conflict that termed the Khojaly tragedy as an act of genocide.** Taking into consideration that the OIC Parliamentary Union, which brings together one-fourth of the world's parliaments, is one of the biggest inter-parliamentary organizations, the importance of this resolution for international recognition of the Khojaly tragedy as an integral part of the genocide policy pursued by Armenian nationalists against the Azerbaijani people and holding the culprits accountable is becoming clear.

The **Foreign Ministers Council of the Organization of Islamic Cooperation (OIC) became the first international organization to have recognized the developments in Khojaly as an act of genocide** during its 39th session held in Djibouti November 15-17, 2012 (1). The Council urged the participating states and OIC entities to make an effort to secure recognition of this act of genocide as a crime against humanity both on the nationwide scale and internationally.

The Khojaly tragedy was also recognized as genocide and a crime against humanity at the 12th OIC Summit held on February 6-7, 2013 in Cairo (1). Moreover, the 40th session of the OIC Foreign Ministers Council comprising 57 countries, which was held in the Guinean capital Conakry on December 9-11, 2013, once again stated that it was recognizing the Khojaly tragedy as genocide. The draft resolution has a special clause regarding the international campaign "Justice for Khojaly", which says, *"The OIC Foreign Ministers Council welcomes the international awareness campaign "Justice for Khojaly" and calls on the participating states to be closely involved in the campaign and in making the efforts necessary for nationwide and international recognition of this act of genocide as a crime against humanity."* (3).

On February 18-19, 2014, a resolution on cooperation between the Parliamentary Union of the OIC Member States and OIC YF, which again termed the Khojaly developments as **"an act of genocide and a crime against humanity"**, was passed at the 9th session of the Parliamentary Union's conference in Tehran (1). On May 27-28, 2015, the OIC Foreign Ministers Council once again confirmed at its 47th session, held in Kuwait, that the Khojaly tragedy was an act of genocide. The resolution called on the OIC member states and entities to



participate actively in the "Justice to Khojaly" campaign and also stressed the importance of bringing the perpetrators of the massacre to justice (4).

On January 25, 2016, a resolution titled "Cooperation between the Youth Forum of the Organization of Islamic Cooperation and the OIC PU, which also branded the Khojaly tragedy as an act of genocide and a crime against mankind, was passed unanimously at the 11th conference of the OIC PU. The resolution included a clause calling upon the parliaments of the OIC member countries to take the necessary measures to hold the criminals who unleashed this genocide accountable (4).

This year marks the 9th anniversary of the "Justice for Khojaly" campaign. During the period of its activity, the Youth Forum has made extensive efforts at different levels to achieve an appropriate political, legal and moral assessment of the Khojaly genocide on a worldwide scale. **The top priorities of the campaign include further recognition of the tragedy in international documents as a crime against humanity and genocide.** In past years, this objective has been achieved at all levels within the OIC framework, including at the summit of the organization, which condemned the Khojaly developments as an act of genocide and a crime against humanity.

Wider international recognition of the Khojaly genocide. The efforts aimed at securing recognition of the genocide and its political assessment are yielding more tangible results. Thus, the 14th, 15th and 16th anniversaries of the tragedy were marked in **Russia, Germany, the United States, Turkey, Ukraine, Kazakhstan, Georgia, Kuwait** and many other countries around the world. In February 2005-2007, the Khojaly issue was extensively discussed at the **special sessions of Turkey's Grand National Assembly (2).** On February

19-26, 2011, commemoration ceremonies were held in cities across Turkey within the framework of the Khojaly Week, and such events are organized annually. The holding of similar large-scale events has begun in other countries as well (2).

The recognition of the Khojaly genocide in the United States started **on February 25, 2010 when the Massachusetts House of Representatives passed a resolution recognizing the Khojaly massacre**. On June 11, 2011, the **Texas** House of Representatives passed Resolution No. 535, which lambasted the massacre of civilians in the Azerbaijani town of Khojaly perpetrated by Armenian armed forces (29). Furthermore, on February 22, 2012, the state of **New Jersey**, and later the state of **Georgia**, passed resolutions regarding the Khojaly slaughter (20; 9). Another such document, Resolution No. 1,594, was enacted by the House of Representatives of Georgia as a result of a campaign conducted by the Azerbaijani and Turkish diaspora. On March 23, 2012, the **Maine** House of Representatives passed a resolution over the 20th anniversary of the Khojaly genocide (14).

In 2013, the recognition of the Khojaly genocide in the U.S. assumed an even wider scale. On January 28 that year, the Senate and then the House of Representatives of the state of **New Mexico** passed a resolution recognizing the genocide (15). The House of Representatives and Senate of **Arkansas** enacted resolutions on the developments in Khojaly on February 8 and February 11 respectively, and the state of **Mississippi** followed suit on February 25 (5; 17). Resolutions over the 21st anniversary of the Khojaly tragedy were passed in the General Assembly of **Oklahoma** on March 4, the General Assembly of **Indiana** on March 8 and that of **Pennsylvania** and the House of Representatives of the **Tennessee** legislature on March 18, and the House of Representatives of the **West Virginia** legislature on April 3. The General Assembly of the state of **Connecticut** formally recognized the Khojaly massacre on May 3 (22; 21; 25; 19; 22). In February 2015, the Senate (upper chamber) of **Arizona** passed a resolution recognizing the developments in Khojaly as genocide, and in March, the governor of **Utah** signed a document on the recognition of the Khojaly massacre. In 2016, the states of **Nebraska, Hawaii, Montana and Idaho** passed special declarations recognizing the Khojaly genocide, bringing the number of US states that have recognized the genocide to 21 (19; 10; 18; 11).

On December 20, 2011, the Chamber of Deputies

of the **Mexican** Congress passed a resolution harshly condemning the occupation of Azerbaijani territory by Armenian armed forces and in particular, the genocide in Khojaly (16). On February 1, 2012, the Senate of **Pakistan** passed a resolution recognizing the Khojaly genocide. In the resolution, the Foreign Affairs Committee denounced the genocide committed by the Armenians against civilian population (23).

On April 23, 2012, **Colombia's** Senate termed the Khojaly developments as genocide (13). On May 28, 2012, the Senate of Jordan issued a statement over the Khojaly genocide (12). The parliament of **Peru** and the House of Representatives of the Colombian Congress passed resolutions on the Armenia-Azerbaijan Nagorno-Karabakh conflict and the Khojaly genocide on June 13 and July 30 respectively (26).

In August that year, the National Assembly of **Panama** passed Resolution No. 4 regarding "the occupation of Azerbaijani territories by the Armenian armed forces". The resolution strongly condemned the genocide committed against Azerbaijanis by the aggressor state in Khojaly and urged the government of the Republic of Armenia to observe the four relevant resolutions of the UN Security Council (24).

On January 17, 2014, the National Congress of **Honduras** passed Resolution No.333-2013 recognizing the occupation of Azerbaijani territories and the Khojaly genocide (8). The resolution went into effect and became a law after its approval by the country's president and foreign minister on January 24 and its publication in the official La Gazzeta newspaper on February 13, 2014 (31).

On September 1, 2014, the Committee of Foreign Affairs of **Sudan's** National Assembly passed a document recognizing the massacre of Azerbaijani civilian population committed by Armenian armed forces in the town of Khojaly in February 1992 as an act of genocide and a crime against humanity (28). The resolution condemned the mass killings of civilians and Armenia's aggression against Azerbaijan. Referring to the UN Security Council Resolutions No 822, 853, 874 and 884, the document calls for immediate, full and unconditional withdrawal of the Armenian armed forces from the occupied territories of Azerbaijan. The resolution also recognizes the rights of the Khojaly genocide victims and their relatives to receive a just and legitimate compensation for the sustained moral and financial damage.

The issue of recognizing the Khojaly genocide was put on the agenda of **European countries' parliaments** as well. On February 12, 2013, a faction of the

Romanian Democratic Liberal Party issued a political statement titled "The Nagorno-Karabakh conflict" (30). Lucian Militaru, an MP representing the parliamentary group, made a statement, stressing the brutal killing of Azerbaijanis committed in the town of Khojaly. Militaru informed lawmakers about the genocide victims, noting the importance of international recognition of the massacre as a crime against humanity.

The Czech Republic was the first member state of the European Union to officially condemn Armenia for the mass killings of Azerbaijani civilians in Khojaly and recognize those events as a crime against humanity. On February 7, 2013, the Foreign Relations Committee of the Chamber of Deputies of the country's parliament unanimously adopted a resolution condemning the brutal killing by the Armenian military units of 613 defenseless Azerbaijani civilians in the occupied town of Khojaly 21 years ago (7). In this resolution, the Czech Republic once again officially recognized the Nagorno-Karabakh region as an integral part of the Republic of Azerbaijan and regarded Armenia as a country that invaded this territory and is responsible for having committed the most severe crime in Khojaly.

On February 26, 2013, the House of Peoples of the Parliamentary Assembly of **Bosnia and Herzegovina** passed a resolution by an overwhelming majority "On recognition and respect for the sovereignty and territorial integrity of the Republic of Azerbaijan", condemning Armenia's aggression against Azerbaijan and the Khojaly genocide (6).

On January 29, 2015, **Israeli President Reuven Rivlin mentioned the Khojaly genocide** while referring to the bloodiest mass crimes committed worldwide **as he addressed the UN General Assembly during an event marking the International Day of Commemoration in Memory of the Victims of the Holocaust** (32).

In 2017, the National Assembly (parliament) of **Djibouti** and the standing committee on foreign affairs of **Pakistan's** National Assembly passed resolutions, on January 11 and February 2 respectively, which pointed out the occupation of Azerbaijani territories by Armenia (27, 23) and termed the mass killings of civilian population in the Azerbaijani town of Khojaly by Armenian armed forces on February 26, 1992 as genocide and a crime against humanity. The resolutions noted that the culprits must be held accountable in accordance with international law and called for enforcement of the resolutions of the UN General Assembly and Security Council as well as other international organizations



urging an immediate, complete and unconditional pull-out of the Armenian armed forces from the occupied territories of Azerbaijan. These documents also called on the international community and international organizations to put pressure on Armenia to comply with these decisions.

Thus, the Azerbaijani government's efforts aimed at securing the recognition of the Khojaly genocide and its political assessment have yielded tangible results and the process is further gathering pace. Undoubtedly, **this is an important part of the extensive efforts aimed at raising awareness on the issue in the world community**, which has been witnessing **Armenia's military aggression against Azerbaijan** for more than two decades.

The war led to the occupation of the territory of the former Nagorno-Karabakh Autonomous Oblast (NKAO, 4,400 square km) and the adjacent Lachin, Kalbajar, Aghdam, Fuzuli, Jabrayil, Gubadly and Zangilan districts (33, p. 91). Ethnic cleansing of the indigenous Azerbaijani population was conducted in all these regions, just like previously in the territory of Armenia. As a result, the process that the Armenian community of Nagorno-Karabakh regards as "self-determination" caused the eviction of over a million Azerbaijanis (15 percent of Azerbaijan's population) from their ancestral land. In total, **more than 20,000 Azerbaijanis were killed and**



over 100,000 wounded, and about 50,000 were disabled in 1988-1993 during the Karabakh developments (33, p. 92). As a result of the aggression, about 900 settlements were destroyed and ravaged, 22 museums and four picture galleries, nine palaces of historical importance, 40,000 museum valuables and exhibits were plundered, 44 churches and nine mosques were damaged or looted; in 927 libraries, 4.6 million books and valuable historical manuscripts were destroyed. According to approximate estimates, Azerbaijan's economy sustained damage worth over \$320 billion (33, p. 92-93). Moreover, Armenia committed 373 terror attacks on passenger buses, passenger and freight trains, the Baku subway, air transport, passenger ferries, in residential areas, civil and public facilities, killing 1,200 people and injuring 1,705 others (34, p. 158-159). Currently, 20 percent of Azerbaijani territory is under the control of Armenian armed forces.

That being said, it is also worth mentioning the consistency of the aggressive policy pursued by hardline Armenian nationalists against the Azerbaijani people. It is known that **Azerbaijanis faced ethnic cleansing and mass deportation four times in the 20th century, i.e. in 1905-1906, 1918-1920, 1948-1953 and 1988-1993. The actions taken during those developments comprehensively constitute genocide.** In accordance with the UN General Assembly resolution dated December 9, 1948, genocide is an act against peace and humanity and is considered the most serious crime. The UN Convention on the Prevention and Punishment of the Crime of Genocide, which set forth the legal definition of the crime of genocide, went into effect on January 12, 1951 (35). All

the actions banned by the convention were taken in the course of Armenia's aggression against Azerbaijan, which amounts to genocide.

In an order commemorating the 20th anniversary of the Khojaly genocide, the President of Azerbaijan said, *"The truth about the Khojaly genocide, which is a part of the ethnic cleansing policy that the Armenian chauvinist circles pursued against the Azerbaijanis stage-by-stage in the 19th-20th centuries, must be delivered to the world community and the parliaments of foreign countries. This grave military crime, committed against the Azerbaijani people and the entire humanity, must be given its political and legal assessment internationally."* (36). ❀

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Artist Nadir Bayrishov, "In the name of the Motherland"

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