

CONFLICT IN THE SOVIET UNION

Black January in Azerbaidzhan

**Human Rights Watch/Helsinki
(formerly Helsinki Watch)**

The Inter-Republic Memorial Society

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Human Rights Watch/Helsinki (formerly Helsinki Watch)

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Addresses for Human Rights Watch

485 Fifth Avenue
New York, NY 10017-6104
Tel: (212) 972-8400
Fax: (212) 972-0905
email: hrwatchnyc@igc.apc.org

10951 West Pico Blvd., #203
Los Angeles, CA 90064
Tel: (310) 475-3070
Fax: (310) 475-5613
email: hrwatchla@igc.apc.org

1522 K Street, N.W., #910
Washington, DC 20005
Tel: (202) 371-6592
Fax: (202) 371-0124
email: hrwatchdc@igc.apc.org

90 Borough High Street
London, UK SE1 1LL
Tel: (071) 378-8008
Fax: (071) 378-8029
email: hrwatchuk@gn.apc.org

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A Note on Names

Azerbaidzhani names are presented in this report as transliterated from the Russian.

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Introduction

Late at night on January 19, 1990, Soviet troops stormed Baku, the capital of the Republic of Azerbaidzhan. They acted pursuant to a state of emergency declared by the USSR Supreme Soviet Presidium, signed by President Gorbachev and disclosed to the Azerbaidzhani public only after many citizens lay wounded or dead in the streets, hospitals and morgues of Baku. More than 100 people died from wounds received that night and during subsequent violent confrontations and incidents that lasted into February; the majority of these were civilians killed by Soviet soldiers. Although the state of emergency by its terms applied only to Baku and some other regions that had been the subject of a prior state of emergency, Soviet Army action and consequent civilian casualties were reported in many other parts of the Republic. Hundreds of people were detained, only a handful of whom have been put on trial for alleged criminal offenses. Civil liberties were severely curtailed. As this report went to press, the state of emergency remained in effect, more than fifteen months after its imposition.

In December 1990, Helsinki Watch and the Inter-republic Memorial Society, a human rights and social activist organization in the Soviet Union, sent a team to Baku to investigate possible human rights violations that occurred around the time the state of emergency was declared in Baku.¹ As described in detail in this report, the Helsinki Watch/Memorial group found compelling evidence that:

- Soviet troops used unjustified and excessive force resulting in unnecessary civilian casualties, including scores of deaths;**
- Soviet troops were ill-trained and ill-equipped to perform police functions or to employ non-lethal measures to restore order;**
- the imposition of a state of emergency resulted in the unwarranted infringement of civil liberties, in particular freedom of movement and expression; and**
- the continuation of a state of emergency in Baku up to the present moment, and the resulting infringement of civil liberties, are unjustified.**

Our most striking finding is that, on the night of January 19-20, heavily armed Soviet soldiers assaulted the city of Baku as though it were an enemy position intended for military destruction. Among other acts that must be condemned, Soviet soldiers:

- fired on clearly marked ambulances attempting to assist the wounded, killing at least one Azerbaidzhani physician;**
- strafed a civilian bus that posed no conceivable physical threat to Soviet soldiers, killing the driver and a passenger;**
- used armored vehicles to crush civilians, intentionally in at least one documented case;**
- used automatic weapons, of a type more appropriate for full-scale battle between sophisticated armies, to strafe cars at random, as well as residential yards and apartment buildings;**
- used bayonets to stab civilians;**
- physically and psychologically abused innocent civilians in detention, resulting in at least one death by strangulation.**

¹Up until November 1990, Baku was closed to foreigners.

Indeed, the violence used by the Soviet Army on the night of January 19-20 was so out of proportion to the resistance offered by Azerbaidzhanis as to constitute an exercise in collective punishment. Since Soviet officials have stated publicly that the purpose of the intervention of Soviet troops was to prevent the ouster of the Communist-dominated government of the Republic of Azerbaidzhan by the nationalist-minded, non-Communist opposition, the punishment inflicted on Baku by Soviet soldiers may have been intended as a warning to nationalists, not only in Azerbaidzhan, but in the other Republics of the Soviet Union.

The subsequent events in the Baltic Republics -- where, in a remarkable parallel to the events in Baku, alleged civil disorder was cited as justification for violent intervention by Soviet troops -- further confirms that the Soviet Government has demonstrated that it will deal harshly with nationalist movements. This is disturbing, to say the least, since nationalism is on the rise in the Soviet Union and confrontations like those in Baku on January 19-20, 1990 will plainly recur. The international community must make clear to the Soviet Union that its response to nationalism in Baku was an unacceptable violation of human rights that must not be repeated.

Prelude to the State of Emergency: A Summary of Events

In the months leading up to the state of emergency, the traditional Communist Party power structure in Azerbaidzhan was quickly disintegrating in the face of rising nationalism stimulated by the Azerbaidzhani Popular Front, an opposition social and political movement that was garnering mass support. The Popular Front was formed in the summer of 1988 at the initiative of a group of scholars. Its platform, published in the summer of 1989, called for the sovereignty of Azerbaidzhan as a republic within the USSR; separation of powers between the legislative, executive and judicial branches of government; turning over land ownership to the farmers and factory management to the workers; republican control over natural resources; protection of the environment; and respect for human rights. It also called for the establishment of Azerbaidzhani Turkish as the official and actual language of government, science and interethnic communication, and for enhanced ties to Azerbaidzhanis living in Iran. The platform explicitly renounced violence as a means of struggle to attain these goals.

Although the original platform of the Popular Front was an ambitious if vague call for far-reaching economic, political and social reform reflecting democratic values, the galvanizing issue that thrust the Popular Front to the forefront of Azerbaidzhani political consciousness was the territorial dispute with the Armenian inhabitants of Nagornyi-Karabakh, a dispute that also involved the neighboring republic of Armenia. Nagornyi-Karabakh Autonomous Oblast ("NKAO") is a region inside Azerbaidzhan with a three-fourths majority Armenian population.

The ancient dispute over NKAO was not resolved by the Soviet Union's creation of the Armenian, Georgian and Azerbaidzhani Republics in the 1920's. The dispute emerged anew around February, 1988, when the NKAO legislature declared its desire to unite with Armenia. One week after the vote in the NKAO legislature, massive anti-Armenian pogroms took the lives of 32 people in Sumgait, Azerbaidzhan, resulted in hundreds of wounded, and fueled the emigration of much of the Armenian population from Azerbaidzhan. A mass exodus of Azerbaidzhanis from Armenia had already begun, and the two way movement of refugees became a poignant symbol of the dispute.

The Armenian Republic, also in the grip of rising nationalism, quickly threw its support behind NKAO. By June 1988, the Armenian Supreme Soviet had issued a formal request to the USSR Supreme Soviet to allow NKAO to join Armenia. The USSR Supreme Soviet refused, undoubtedly fearful of the precedent that granting the request would create for the scores of other territorial disputes involving hundreds of ethnic groups in the USSR. Instead, NKAO was placed under a "special form of administration," i.e., direct rule by the USSR Supreme Soviet, on January 12, 1989. The result was satisfactory neither to the Armenians nor the Azerbaidzhanis.

Unfortunately, the dispute over NKAO was not only fought in the parliaments. Violence in the territory and along the Armenian- Azerbaidzhani border escalated at times in 1988-89 to a point approaching civil war.

By the end of November 1989, NKAO had been returned to civilian rule, still as part of the Azerbaidzhani Republic. The Armenian Supreme Soviet responded with a declaration of Armenian unity with NKAO.

In December 1989, a new territorial dispute in Azerbaidzhan was reported by Western observers, involving the border region with Iran in the Nakhichevan Autonomous Republic. The Popular Front of Nakhichevan organized protests there, complaining that the buffer zone established by the Soviets on their side of the border deprived residents of valuable farmland and that Soviet Azerbaidzhanis were prevented from contacting relatives and visiting grave sites on the Iranian side. While some residents did speak of a desire to unite with Azerbaidzhanis across the border, contrary to central government press reports the

desire for unity with Iran was not the primary motivation for the protests. The protesters tore down the Soviet border posts delineating the buffer zone. KGB troops stationed on the border did nothing to interfere, and allowed Azerbaidzhanis to cross the Araks river and visit Iran.

At the same time, violence in NKAO and along the Armenian border was increasing.

On January 4, 1990, both Nakhichevan and Baku were closed to foreigners, a predictable Soviet response to unrest. The closing of Baku was at first glance inexplicable since there were no noteworthy disturbances there. It is however, consistent with the theory that the central government anticipated trouble of some kind. Some have claimed that it had advance knowledge of the anti-Armenian pogroms that were to come; others have maintained that the central government itself was planning to foment unrest and stage a crackdown. In any case, the travel ban ensured that, unlike Vilnius in January 1991, Western journalists would not be able to report first hand as events unfolded.

On January 11, the Popular Front announced the peaceful takeover of the procuracy, city soviet and militia buildings in the city of Lenkoran, in order to protest the Republic government's position on NKAO.

On January 12, some Popular Front leaders formed a Committee of National Defense whose aim was to organize militias in the factories ostensibly to protect Azerbaidzhanis on the Armenian border and in NKAO.

One Popular Front leader claims that the formation of this committee was supported by Abdulrahman Vezirov, the head of the Azerbaidzhani Communist Party. Vezirov was shown on television on January 12 proposing such a Committee to factory workers. Circumstantial evidence suggests that Vezirov's call was part of a pattern of courting the radical wing of the Popular Front, in order to destabilize the situation in Azerbaidzhan and eventually to discredit the Front.²

The Anti-Armenian Programs

Since 1988, Azerbaidzhanis from Armenia and Armenians from Azerbaidzhan had been fleeing their homes due to the hostility of their neighbors. Pressure on the Armenian population in Baku increased in the months leading up to the state of emergency, with Armenians reporting they had received threats and demands to leave. On January 13, a mass rally organized by the Popular Front took place in Baku. Speakers at the rally called for a referendum on secession from the Soviet Union. The crowd became enraged at an inaccurate report (broadcast by someone with a megaphone walking through the crowd) of the killing and wounding of Azerbaidzhanis by an Armenian.

There is a significant conflict over exactly what was said at the rally by the official speakers. On the one hand, Popular Front leaders publicly disavowed leaflets that were being distributed calling for the expulsion of Armenians from Baku. On the other hand, KGB

² Keller, "Did Moscow Incite the Azerbaijanis? Some See a Plot," *New York Times*, Feb. 19, 1990, p. A8, col. 1.

investigators claim that there were speeches calling for the expulsion of Armenians from Baku, and appeals for violence against them.

It appears that some time during the rally, groups of spectators broke away and began attacking Armenian homes, largely in the Nasiminskii raion and the 26 Kommisars districts. Forty eight people were killed during these pogroms, including 46 Armenians, one Azerbaidzhani and one Russian. Another 20 persons subsequently died of wounds inflicted during the pogroms. Six other deaths resulted from the pogroms, including heart attacks and suicides. There were five rapes, 2,044 raids on apartments, and 191 robberies.³

Most of the deaths were caused by beatings and knife wounds; there were no gunshot wounds. Many of the killings were particularly depraved. The wounds that were inflicted suggest that those participating in the pogroms do not appear to have been well-armed, although the KGB investigators report that some had guns. The KGB has given no precise figure for the number of people involved in the pogroms, but they indicated that the number was in the thousands. In contrast, other observers say that only a few hundred were involved.

The action was not entirely (or perhaps not at all) spontaneous, as the attackers had lists of Armenians and their addresses. Bill Keller of *The New York Times* has cited circumstantial evidence suggesting that law enforcement officials even had advance knowledge of the pogroms.⁴

Neither the local militia nor the USSR forces stationed in Baku did anything to prevent the pogroms once they started. Several eyewitnesses told Helsinki Watch/Memorial that they approached militiamen on the street to report nearby attacks on Armenians, but the militiamen did nothing. According to the KGB investigators and the military procurator, 12,000 USSR MVD troops were in Baku, yet they were not specifically authorized to use weapons and did nothing more than protect Communist Party and government buildings. Among the excuses for the inaction of the local and USSR militia were that they were not given orders to intervene; that they were not equipped to handle such disturbances; and confusion over the chain of command in the midst of the political turmoil in the republic.

Some Popular Front leaders claim that they requested intervention but were told by MVD officials that they had orders not to intervene. Aiaz Mutalibov, then Prime Minister, claims he requested intervention promptly, but it was not forthcoming.⁵ In contrast, Arkadii Volskii, head of the central government administration in NKAO, maintains that the central government sent troops one day after a request came from local (presumably Party) authorities.⁶ As all these sources have reasons to prevaricate or dissemble, and as no investigation of the actions of the local militia, the USSR MVD forces, or the relevant political figures has yet been undertaken, the truth may never be known.

Not only local and central government officials but also the Popular Front must bear responsibility

³ These figures were provided by KGB investigators, whose work is described on p. 13.

⁴ An article in *Bakinskii Rabochii* on January 13, the first day of pogroms, stated that "law enforcement organs have received numerous signals" that after the January 13th rally, informal organizations were planning to seize government buildings and that they would "carry out pogroms in them." ("Prizyv k razumu," *Bakinskii Rabochii*, Jan. 13, 1990, p. 1, col. 6.)

This reference does not specifically cite a danger to Armenians, however; only, perhaps, to government officials. General Dubiniak, first commandant of Baku during the state of emergency, denied that they had any "reliable information" about impending pogroms. Keller, "Did Moscow Incite Azerbaijanis? Some See a Plot."

⁵ Cullen, "Roots," *The New Yorker*, April 15, 1990, pp. 55, 72.

⁶ *Ibid*

for failing to take decisive measures to stop the pogroms. The rhetoric of some Popular Front leaders, which included calls for the deportation of Armenians from Azerbaidzhan, was at the least harmful to relations with the Armenian population; that rhetoric was not significantly toned down during the pogroms. While the Front did organize an evacuation of Armenians from their apartments in Baku, it failed to condemn the attacks unequivocally. On January 15, for example, the Popular Front paper *Azadlyg* published an editorial purporting to "condemn" the "crimes" against Armenians, but went on to attribute them to central government mistreatment of Azerbaidzhan, including: denial of Azerbaidzhani sovereignty; removal of NKAO from Azerbaidzhani control; failure to "stop acts of political aggression and terror from the side of Armenia"; and "allowing] the economic smothering of Azerbaidzhan and the discrediting of the Azerbaidzhani people in the eyes of world society, through the corrupt Armenian lobby and central party, government and information organs." This statement was hardly calculated to allay anti-Armenian passions.

On January 15, the Presidium of the USSR Supreme Soviet declared a state of emergency in Nakhichevan, where the border disturbances had occurred, and also in NKAO, where violence had been increasing since the end of 1989. Inexplicably, Baku was not mentioned.

The day after the declaration of the state of emergency, on January 16, the pogrom activity apparently abated sharply. (No statistics have been published charting the course of the pogroms on a daily basis, but anecdotal accounts and the observations of the KGB investigators suggest this to be the case.)

The Blockade of Baku

On January 16, the Popular Front, fearing Soviet military intervention, began to organize checkpoints at areas in Baku where Soviet troops were stationed, as well as at key entry points into the city. Trucks, buses and cars were moved into place as partial blockades manned by civilian volunteers.

On January 19, representatives of the Popular Front met with leaders of the Communist Party. The Second Secretary of the Communist Party, Viktor Polianichko, demanded that the Popular Front dismantle the blockades. Iusif Samedoglu, a Popular Front leader who participated in this meeting, wrote that Polianichko made it clear that the entry of Soviet troops into Baku was a foregone conclusion, even if the Popular Front removed the barricades and caused the picketers to disperse. Polianichko refused a request to go on television with Ekhtibar Mamedov, a Popular Front leader, to try to calm the people. Samedoglu was planning to issue a televised appeal to the picketers to disperse.⁷ However, at 7 p.m., an explosion at the television center shut down all broadcasting.

Although the explosion was blamed by the central government and central government media on Azerbaidzhani extremists, evidence suggests that it was caused by the military or the KGB. The military procurator investigating the January events denied military involvement, but stated to Helsinki Watch/Memorial that he believed the KGB was responsible. (He added that the KGB action was justified.) As for the central government's claim that extremists were responsible, it is hard to understand why they would be interested in destroying means of communication; popular revolutions in Romania and elsewhere suggest the value to insurgents of controlling the means of mass communication, rather than destroying them. The Baku television center had been surrounded by Popular Front volunteers on the day of the explosion.

⁷ Petropavlovskaja, Gudanets, Vlasova, "Baku: Nasilie protiv nasilija?," *Sovetskaia Molodezh* (Latvia), Feb. 7-9, 1990, p. 2.

According to a report in *Kommsomol'skaia Pravda*⁸ confirmed by the Azerbaidzhani Supreme Soviet Commission and the *Shchit* reports on the incident,⁹ two workers at the television center were visited there by a group of four men carrying automatic rifles. The armed men arrived together with the director of the TV center, who quickly left the room. They were partly dressed in jogging clothes and partly in military uniforms. They asked the workers about the center's power supply. When the phone rang, they prevented the workers from answering and one of the intruders ripped all the wires out of the phones. The workers were then detained and led to another room where there were 30-40 soldiers. Thirty minutes later, they heard an explosion. After being forced to change into military uniforms, the workers managed to attract the attention of some Azerbaidzhani militiamen who freed them.

The military or the KGB could have caused the explosion to create an impression of unrest that might appear to justify military intervention. The pogroms might not have been sufficient for this since they had ended three days previously. A similar pattern of events took place in the Baltic Republics in January 1991, particularly in Latvia, where mysterious explosions also preceded MVD troop actions whose purported justification included maintaining public order. Moreover, the central government would have had an interest in keeping the broadcasting channels out of the hands of the opposition.

An Azerbaidzhani official described to Helsinki Watch/Memorial what happened in the hours after the explosion.

I went to the Central Committee building. There, Ekhtibar Mamedov said that there was a threat that troops would come to Baku. Mamedov and I went into the Central Committee building and saw Polianichko, who had changed into camouflage military clothing. Polianichko said, "The troops are coming."

With television and radio communications cut, no announcement could be made by the Popular Front leaders that Soviet soldiers were going to enter Baku. Samedoglu called the Committee of National Defense, requesting that they call the people off the barricades, but the Committee refused. It is unclear how many people other than the Popular Front leaders knew in advance about the troops' arrival.

The Declaration of the State of Emergency

The first official announcement of a state of emergency was made over Army radio at 5:30 a.m. on January 20 and later by leafletting from helicopters, or about 6 hours after the troops moved on the capital, and five and one half hours after the state of emergency was supposedly declared.

The failure to announce the state of emergency before the assault by Soviet troops cannot be justified either on the ground of military necessity or to protect the lives of the soldiers. If the purpose of the Soviet troop action was to protect Armenians and other non-Azerbaidzhanis and otherwise restore order, there was no reason to launch a surprise attack on the city. Advance warning might have cleared the streets and thus achieve the central government's main objective. Instead, the Soviet Army attacked Baku as if it were an enemy position that had to be taken by surprise.

⁸ Vishnevskii, Krainii, Muratov and Saprnov, "Baku: Shto sluchilos'?", *Kommsomol'skaia Pravda*, Feb. 10, 1990, p. 2, col. 1.

⁹ For a description of the investigations carried out by the Azerbaidzhan Supreme Soviet Commission and *Shchit* see pp. 11-13.

The state of emergency was by its terms confined to Baku. The Soviet government complied with the reporting requirements of the International Covenant on Civil and Political Rights by notifying the United Nations of the declaration and the resulting suspension of rights guaranteed by the Covenant. However, Soviet troops also were active in the cities of Lenkoran, Neftechala, and others that were not named by the state of emergency declaration, resulting in the killing of civilians and the violation of civil liberties. In this respect, Soviet troops clearly exceeded the scope of their mandate, and the Soviet government violated the terms of the Covenant by failing to notify the United Nations of the actual scope of the imposition of emergency rule.

The state of emergency was declared in name by the USSR Supreme Soviet Presidium and signed by Gorbachev, whose title at the time was Chairman of the Supreme Soviet. Article 119 (14) of the USSR Constitution authorizes the USSR Supreme Soviet Presidium to declare a state of emergency "provided that the issue is considered with" the relevant Republic Supreme Soviet Presidium. The language of this provision does not specify whether the Republic Presidium must approve such a declaration, or whether the Republic Presidium must merely be consulted.¹⁰ On January 20, the Azerbaidzhani Supreme Soviet Presidium formally declared that it did not approve of the state of emergency. Clearly the spirit, if not the letter of the Soviet Constitution was violated by the USSR Presidium's unilateral decision.

Human rights violations under the state of emergency have been of three kinds: first, the excessive use of force against civilians by Soviet troops; second, the detention, with or without trial, of opposition political activists for engaging in peaceful political activity, and third, the suspension of many civil liberties such as freedom of expression, assembly, and movement.

¹⁰ The state of emergency law *currently* in effect in the USSR was passed in April 1990, so it is not strictly applicable here.

The Investigative Process

Investigation by Helsinki Watch and Memorial

Our investigative group that visited Azerbaidzhan in December, 1990 consisted of Dmitrii Leonov, Chief of Memorial's Human Rights Commission and the head of Memorial's project to monitor "hot spots" in the Soviet Union; Greg Wallace, a litigation partner in the law firm of Kaye, Scholer, Fierman, Hay & Handler and a member of the Helsinki Watch Committee; and Robert Kushen, a Russian-speaking lawyer and Orville Schell Fellow at Helsinki Watch. Dmitrii Leonov had previously gone to Baku immediately after Soviet troops entered the city and collected valuable eyewitness testimony to the events. In all, Leonov personally took eyewitness testimony from 30 witnesses, and obtained a compilation of testimony taken by Mekhti Mamedov that included 21 additional accounts. Robert Kushen made a second trip to Baku in February 1991 and collected more information.

Our group spent ten days in Baku meeting with a variety of people, gathering evidence and reviewing the evidence gathered by others. We met with: members of an official commission established by the Azerbaidzhani Supreme Soviet to investigate the events; the military procurator in Baku charged by the Soviet Army with investigating the events; a KGB group charged with investigating events that preceded the state of emergency; a team from the union to protect military personnel, "*Shchit*," that conducted its own independent investigation; representatives of the Popular Front; and a variety of other independent activists and eyewitnesses. Unfortunately, senior members of the Azerbaidzhani government were away in Moscow and could not be reached for comment. Abdulrahman Vezirov, head of the Azerbaidzhani Communist Party at the time Soviet troops entered Baku and the state of emergency was declared, refused to speak with us.

The group spent a great deal of time reviewing case files on casualties prepared by the Supreme Soviet Commission. In all, 40 files on deaths and 16 on wounded were reviewed.

Investigations By Groups in the Soviet Union

The Azerbaidzhani Supreme Soviet Commission

On January 20-21, 1990, the Azerbaidzhani Supreme Soviet authorized the creation of an official commission to investigate "circumstances and reasons of the tragic events, connected with the introduction of troops into Baku." The Commission officially consists of 21 members, including 3 from the Popular Front. It is headed by Mitat Teimur ogly Abbasov, a member of the USSR Supreme Soviet, and currently a member of the Azerbaidzhani Presidential Council. The working head of the Commission is Tamerlan Elmar' ogly Karaev, an Assistant Dean of the law faculty at Baku University, the Vice-Chairman of the Azerbaidzhani Supreme Soviet and the Chairman of the Popular Front's governing council ("Medzhlis").

Five volunteers have done the majority of the Commission's work: Afruz Mashi kyzy Ailazova, a mathematician; Zelim Khan Kerim ogly Guseinov, an investigator with the Azerbaidzhani MVD; Sefder Mamed ogly Nakhmedov, a chemist; Aidyn Alim ogly Rasulov, a lawyer; and Tagiat Ali ogly Zeinalov, an investigator with the Azerbaidzhani MVD. No one is paid for their work; the MVD investigators continue to receive their salaries from the MVD, but the others must provide for themselves any way that they can. Aidyn Rasulov, for example, earns some money as a chicken farmer in his free time.

The Commission began collecting data immediately after Soviet troops entered Baku. It has kept a file on each person killed or wounded "as a result of" the introduction of Soviet troops. The mandate of the

Commission seems to be to investigate those deaths or injuries that were a "consequence of the illegal introduction of troops into the city of Baku"; this is the formulation that the Commission used in its summary descriptions of the circumstances of death of 131 "victims." The Commission admits that this broad formulation includes deaths other than those caused by soldiers, for example, stress-induced suicides, heart attacks, and the deaths of some soldiers. We found that the quality of evidence gathered by the Commission was generally quite high, and the eyewitness accounts seemed credible.

In addition to investigating casualties, the Commission is trying to investigate the way the state of emergency was declared, who declared it, and other questions about events preceding the state of emergency. However, the Commission is not investigating the anti-Armenian pogroms.

Although the Commission is an official body, it reported a lack of coordination with all-Union government organs, such as the KGB, the military procurator and the Ministry of Defense. The Commission complained of not receiving adequate information from these sources about events that preceded the state of emergency, such as the anti-Armenian pogroms, the mobilization of reservists to fight in Azerbaidzhan and the explosion at the television station.

Letters to and from the Military Procurator indicate that many of the most routine requests for information or evidence have not been fulfilled. For example, a request for a list of military victims was answered by the military procurator with a letter that stated that this information was printed in the "central press," even though this published list was unofficial and differed considerably from the one in the hands of the procurator. Another request for information relating to the seizure of weapons from Azerbaidzhani citizens, including the number and type of weapons, time and place of seizure, was answered in the same letter, stating that the matter was being investigated, and that the Commission would be advised of the results of the investigation.

The Commission presented a preliminary report to the first session of the new Azerbaidzhani Congress in January 1991, and hopes that it will be published. The text is reprinted as Appendix B to this report.

The Military Procurator

The Soviet military procurator's office is conducting its own investigation into the January events. The inquiry is officially headed by the Chief Military Procurator in Moscow, General Katusev; the investigation is currently being led in Baku by Colonel Vitallii Konstantinovich Medvedev, Deputy Procurator of the Baku Garrison, but was initiated by Colonel Ivan Alekseevich Klimov. The focus of their inquiry seems to be the events dating from the imposition of the state of emergency, at 00 hours on January 20, 1990. The military's investigation began on January 20, 1990. Its scope is not clear; it appears to encompass allegations of wrongdoing by the military, as well as acts of violence against the military. The purpose of the investigation is not to prepare cases for criminal prosecution, but rather to produce a general report on the events. All the information gathered by the military procurator is classified. Colonel Medvedev hoped to have his report prepared by January 21, 1991. While

the report will also be classified, he expects that the report and the information on which it was based will eventually be declassified.

Colonel Medvedev did not report any particular difficulties in conducting his investigation.

The KGB Investigative Group

The KGB established an investigative group to examine the causes of the "mass disorders" that preceded the state of emergency in Baku. The group is headed by Colonel Vladimir Grigorevich Titov. Helsinki Watch also spoke with Aleksandr Dmitrovich Sergeev, an investigator with the group. Sergeev stated that other members of the group were investigators from the KGB, MVD, the civilian procurator and the military procurator. The investigation is supposed to cover events dating from January 13, the first day of the anti-Armenian pogroms. Its purpose is to gather evidence for criminal cases to be initiated by the MVD or city procurator. The investigation has yielded some prosecutions and convictions, despite KGB complaints that local procurators, judges and the general public have been reluctant to see the guilty punished. All the investigative materials are classified. The scope of their investigation does not include the behavior of the militia during the pogroms, which was widely criticized. The investigation was supposed to conclude by February 12, 1991 and a report was to have been prepared, but as of March 1991 the Commission had not completed its work. When asked if the report will be made public, Colonel Titov responded that if the press was interested in publishing the report, they would do so, suggesting that the report would not be classified.

The KGB investigators cited several obstacles to their work. First, they claimed that the Popular Front, which was in control of many local power structures at the time of the pogroms, ordered the release of some detained suspects. (The Deputy Chairman of the Supreme Soviet Commission also told us about the release of those arrested for the pogroms, but stated that this was at the initiative of the local militia.) Second, they noted the reluctance of local procurators to try the cases after they left KGB hands, and of local judges to convict. They cited several cases that were sent back for further investigation for peculiar reasons, such as to confirm some non-essential fact.

The Shchit Group

An investigation was also conducted by *Shchit*, the union in defense of military personnel, an informal organization made up of active and reserve military personnel that promotes reform of the armed forces. The group tends to be very critical of the central government and the military establishment. Because of persecution by the military, *Shchit* members in active service do not reveal their membership. Three reserve officers, Aleksandr Aleksandrovich Yevstigneev, Gennadii Mikhailovich Melkov, and Boris Vasilevich Murasov traveled to Baku in June 1990 and produced a report based on the materials gathered by the Supreme Soviet Commission as well as their own independent research. They reported no particular obstacles to their investigation. Summaries of their findings have been published by many newspapers, including *Moskovskoe Novosti* and *Bakinskii Rabochii*. Other media have not yet reported on their work, but they told us they thought a story would appear on Azerbaidzhani television.

The *Shchit* report was extremely critical of the Soviet armed forces. It concluded that there was no justification for the declaration of a state of emergency in Baku, and that the soldiers used excessive force and committed atrocities that constituted war crimes. The report painted a picture of a completely stage-managed invasion. Events leading up to the state of emergency were either passively encouraged by the military, the government and the Communist Party, or else actively fomented by these groups: the militia and the Soviet military had the power to stop the pogroms, but did not; the explosion at the television station was a provocation staged by the KGB or the military, or both; when Soviet troops entered

Baku, the military staged mock battles so that it would appear as if the troops were coming under fire from civilians.

All in all, the *Shchit* investigators did a credible job; their work was extremely important in that it resulted in widespread dissemination of information about what occurred in Baku and of allegations of official impropriety.

The investigators on behalf of the *Shchit* group initiated a criminal investigation against Defense Minister Iazov as the official ultimately responsible for the behavior of the Soviet Army. According to the investigators, the case against Iazov is in theory still alive, under Major General Procurator Vasiliev, although they doubted anything would result from it. According to the KGB investigators, however, the case was dropped at the instigation of the USSR MVD.

Excessive Use of Force by Soviet Troops

The behavior of Soviet armed forces in Baku must be judged in the context of the stated and actual purpose of their mission, and the conditions that they faced in carrying it out. Three objectives of the Soviet military action have been most frequently articulated by Soviet and Azerbaidzhani officials, by Azerbaidzhani opposition groups, and by outside observers.

The first objective, raised by some Soviet and Azerbaidzhani officials in public statements, was to protect the lives of Armenians and other ethnic minorities in Baku in the wake of the anti-Armenian pogroms and other signs of unrest. This was the primary reason given by Gorbachev and the USSR Foreign Ministry¹¹ and the Azerbaidzhani Communist Party,¹² and the reason given most publicity in the United States and credited by the American government.¹³ The general rubric for this objective was "restoring order."

The second objective, stated publicly by Soviet officials, was to prevent the imminent forcible takeover of the Azerbaidzhani government by the nationalist non-Communist opposition. This reason was alluded to by Defense Minister Lazov,¹⁴ and also by Gorbachev, who spoke of the danger of armed extremist forces that were taking on an anti-government and anti-constitutional character.¹⁵

The third objective, stated by most outside commentators and even partly by Lazov himself,¹⁶ was to prevent the de facto (but non-violent) takeover of the Azerbaidzhani government by the non-Communist opposition, to prevent their victory in upcoming free elections, to destroy them as a political force, and to ensure that the Communist government remained in power. This was essentially the conclusion of the *Shchit* group, for example.

Available evidence suggests that the last objective was the closest to reality. A classified memorandum in the military procurator's files shown to Helsinki Watch/Memorial investigators provides circumstantial evidence that central government forces were planning some sort of military action in Baku even before the pogroms began. The memorandum, from Lieutenant Colonel Ivan Polozkov to General Dubiniak, describes the activities of the 250 soldiers under his command during the state of emergency. Polozkov writes that someone from the USSR MVD telephoned him on January 11, 1990 and instructed him to

¹¹"Vystuplenie General'nogo sekretaria TsK KPSS, Predsedatel' Verkhovnogo Soveta SSSR M.S. Gorbachev," transcribed in *Bakinskii Rabochii*, Jan. 25, 1990, p. 3, col. 1.

¹²See "Obrashchenie TsK KP Azerbaidzhana, Soveta Ministrov Azerbaidzhanskoi SSR, ASPs, K Trudiashchimsia i Naseleniiu Respubliki," *Bakinskii Rabochii*, Jan. 30, 1990, p. 1, col. 5.

¹³See *Human Rights Watch World Report 1990: An Annual Review of Developments and the Bush Administration's Policy on Human Rights Worldwide*, Human Rights Watch, Jan. 1991, pp. 396-97.

¹⁴Andreev, "Baku, 26 Ianvaria," *Izvestiia*, Jan. 26, 1990, pp. 1-2 (quoting Lazov).

¹⁵"Vystuplenie General'nogo Sekretaria TsK KPSS, Predsedatel' Verkhovnogo Soveta SSSR M.S. Gorbachev," transcribed in *Bakinskii Rabochii*, Jan. 25, 1990, p. 3, col. 1.

¹⁶Although Lazov suggested that the "extremists" were using violence to resist the incursion of Soviet troops, he did not explicitly claim they were planning an armed takeover of the government. The goal of Soviet forces was, in his words, to "destroy the power structure that has taken shape in all enterprises and establishments," and to "destroy the organizational structure of the Popular Front." (Andreev, "Baku, 26 Ianvaria," *Izvestiia*, Jan. 27, 1990, pp. 1-2 (quoting Lazov).

prepare troops to go to an undisclosed location. On January 15, he was told by the same person that the destination was Baku; on January 16, his unit was dispatched and stationed in Baku, and on January 19 and 20, it participated in the storming of the city. Thus, the preparation for this unit of soldiers to go to Baku began before the pogroms, the soldiers arrived after the pogroms had essentially ended, and they actively participated in the operation that heralded the state of emergency.

With its public support demonstrated by its ability to amass hundreds of thousands of people at rallies in Baku, the Popular Front in January 1990 stood poised to win a majority of votes in elections to a new Republican Supreme Soviet tentatively due to have been held in March 1990. The Front had already shown its ability to take de facto control nonviolently of at least one major Azerbaidzhani city, Lenkoran. It had won numerous concessions from the Azerbaidzhani Communist government, and was clearly in control of the political agenda. The Party-state apparatus in Azerbaidzhan had proven incapable of maintaining a functioning government and social order. There seemed little reason for the Popular Front to take by force power that was likely soon to be given by popular mandate or by the de facto dissolution of the old government. Armed revolt in the face of Soviet military might would have been literal and political suicide. In short, the Popular Front had little reason to plan a violent takeover of the government.

The activities of extremists willing to condone or even encourage violence in Karabakh and along the Azerbaidzhani border allowed the central government and the Azerbaidzhani government to portray events as more chaotic and threatening than they were in fact. But, as discussed in detail below, events in Karabakh, Nakhichevan and along the Armenian border did not accurately reflect the situation in Baku.

Regardless of the actual reason for Soviet military intervention, the human rights violations that occurred in Baku and elsewhere in Azerbaidzhan cannot be excused. Even accepting the claim that the Popular Front planned an armed overthrow of the government, the least plausible of the scenarios set forth above, the level of actual resistance offered by Azerbaidzhani civilians to the Soviet troops in no way justified force that was excessive, random and vindictive. Evidence gathered by the Helsinki Watch/Memorial team reveals that the troops used a degree of violence out of all proportion to necessity.

Degree of Civilian Resistance

(Information obtained in interview with military procurator unless otherwise noted)

The Soviet Army claims that the Popular Front was planning a forcible takeover of Azerbaidzhan, and that Azerbaidzhani extremists were heavily armed and offered fierce resistance. A published report in the Military-Historical Journal claimed that the Committee on National Defense was organizing the takeover.¹⁷ The military procurator stated that around Salianskii Barracks (the main Soviet military garrison in Baku) alone, there were 110 separate locations from which the Army faced hostile fire, in many cases from snipers. The weapons used against the Army were machine guns, automatic rifles and pistols. The Army was

¹⁷ "Baku: Nachalo devianostogo...", *Voенно-Istoricheskii Zhurnal*, No. 7, July 1990.

ordered to begin its assault at 12:00 midnight, but the extremists began firing on the barracks at 11:30 p.m. Three soldiers were allegedly killed by extremists before they even left their barracks.

Evidence to support this version of events is at best slender, and perhaps nonexistent. The military procurator would provide us with no documentary proof, stating that the files were all classified. (Eventually he did allow Helsinki Watch/Memorial to review one set of materials, which are discussed below). Despite the claim that civilians were heavily armed, the Army seized few weapons. The military procurator provided no concrete details on weapons seizures, but one American newspaper account dated January 29, 1990 cited the deputy military commandant as stating that 81 weapons were seized in Baku, many of them home-made.¹⁸ Another report dated February 16, 1990 stated that 6 combat rifles and 133 shotguns had been seized in Baku since the beginning of the state of emergency.¹⁹ Finally, a classified report from Lieutenant Colonel Polozkov to General Dubiniak, military commandant of Baku, indicated that from January 17 to February 12, 1990, his soldiers had confiscated 19 firearms including 3 automatic rifles, and 5 knives. No machine guns were reported seized by anyone, and Helsinki Watch/Memorial discovered no credible evidence of machine guns in the hands of civilians.

No one was arrested for weapons possession, although eventually charges were brought against some for weapons theft. According to the military procurator, only one person was arrested for firing on soldiers. He was a sniper who was firing from atop a children's psychiatric hospital. However, no criminal case was brought against him supposedly because he did not hit anyone.

The military procurator told us that arms were being smuggled in to Azerbaïdzhani across the border with Iran and that extremists were raiding Army and militia weapons depots. Reports in the central government press of these raids were rife in the months preceding the state of emergency. An American Embassy official interviewed by Helsinki Watch made a similar claim, based largely, it seemed, on Soviet press accounts. However, none of these reports indicated that the arms were reaching Baku or were being widely distributed anywhere other than at the border areas, where the conflict between Armenia and Azerbaïdzhani was sharpest. One Popular Front activist stated to Helsinki Watch/Memorial that the vast majority of weapons claimed to have been seized by Soviet troops were not related in any way to the January events in Baku; they were seized at other times and in other parts of the Republic. According to another source, a military guide to an Army-sponsored exhibit of these weapons admitted that they were mostly from the Armenian border area.

According to one Azerbaïdzhani official interviewed by Helsinki Watch/Memorial, there was at least one attempt made to manufacture weapons in Baku, at the Lieutenant Schmidt factory, perhaps as part of the Council of National Defense plan to send volunteer militias to the border zone. This factory was not mentioned by the military procurator as a source of weapons for civilians fighting in Baku, and the official stated that the weapons were so poorly made that they were unusable.

¹⁸ Keller, "Force as a Last Resort: Armed Power Salvages Moscow's Fading Authority," *New York Times*, Jan. 29, 1990, p. A8, col. 1.

¹⁹ Dobbs, "Separatism in Azerbaïdzhani Growing Since Crackdown," *Washington Post* Feb. 16, 1990, p. A1, col. 1.

Though Soviet military claims of a high level of armed civilian resistance are not credible, eyewitness accounts reported contemporaneously in the American press did indicate that some civilians were armed and resisting. One Azerbaidzhani intellectual was cited as reporting that armed civilians were firing back at Soviet troops. Another was cited as reporting that some civilians were armed with pistols and hunting rifles.²⁰ One year after the event, Azerbaidzhanis contacted by Helsinki Watch/Memorial, including some of those cited above, uniformly denied the use of firearms. At most, they spoke of demonstrators armed with stones and bottles. Similarly, another Popular Front leader, Tofik Gasimov, stated in an interview in July 1990 that civilians were totally unarmed.²¹ While these denials of any use of firearms were frequently not credible, evidence suggests that the level of violent resistance was in fact minimal, much closer to that cited by Azerbaidzhani nationalists than by the military. Helsinki Watch/Memorial was presented with no credible evidence to support the Soviet military's description of a well-organized, well-armed resistance ready to seize power forcibly.

The military procurator claimed that the city's ambulances were an integral part of the organized resistance. Ambulance and taxi radios were allegedly used to coordinate activities of the civilian forces. He briefly showed Helsinki Watch/Memorial a transcript of an alleged radio transmission in which the ambulance was alerted to fighting in a certain area, and the fact that there were not a lot of demonstrators on the barricades in that area. The ambulance then was asked to go to that spot, or else the ambulance announced it was going to that spot (our notes are not clear). The text of this transmission does not indicate any complicity on the part of the ambulance, however. While it is possible that the ambulance was going to the barricades to participate in the conflict, it is also just as likely (based on the radio transmission) that the ambulance was going there, or was instructed to go there, as part of its normal job: to take wounded to the hospital.

The military procurator claimed that people in ambulances were firing on soldiers. No specific facts or evidence was presented to support this charge.

Similarly, the procurator stated that in the bus incident described below, people in the bus first fired on soldiers, who had taken up positions on the road. The soldiers responded by dropping to the ground and returning fire. Despite the fact that the soldiers took control of the bus, no one was arrested and no weapons were confiscated from the bus. The procurator stated that he had collected eyewitness testimony from all the passengers on the bus and that at least some of this testimony supported his version of the event. He would not show these statements to us, however, despite several requests. When told that other eyewitness statements we had seen indicated that no one on the bus was armed, he said that some of the eyewitnesses were lying.

The following eyewitness accounts collected by Helsinki Watch/Memorial reflect the available evidence on the degree of civilian resistance. These accounts should be balanced against a greater number of accounts, not described below, that state that civilians on the barricades were unarmed.

The first set of accounts were obtained from the files of the military commandant. He allowed us to review one package of documentary materials for about one hour. The materials examined mostly described two separate incidents in which soldiers were wounded or killed by civilians. The second set of accounts are from Commission files, or testimony taken by our group.

²⁰ Clines, "Azerbaijani Front Reports Battle with Soviet Troops; Call-up of Reserves Halted," *New York Times*, Jan. 20, 1990, p. A1, col. 4.

²¹ "The War Against the Azeri Popular Front: An Interview with Tofik Gasimov," *Uncaptive Minds*, Nov.-Dec. 1990, pp. 12, 15.

Letter of Lieutenant Colonel Polozkov to General Dubiniak (Military Procurator file):

A convoy of troops including my group were moving from Razin to Mardakian late on the night of the 19th and in the early morning of the 20th. At 12:05 a.m. on the 20th, our convoy was stopped by a barricade manned by approximately 500 people. The pickets ignored appeals broadcast through loudspeakers to disperse. At 1:00 a.m. some pickets rushed the convoy. [There is no indication that they were armed.] I fired two warning shots in the air. The pickets turned back. Then, three Zhiguli passenger cars sped toward the convoy. People were firing automatic rifles out of the cars at us. Another Zhiguli appeared firing shots, and more shooting came from the rooftops of nearby buildings. Two soldiers were wounded. Lieutenant Colonel Mikhail Grigorevich Boiko, the commander of the convoy, gave an order to fire. Two of the cars were stopped, a third escaped. The shooting stopped.

There is no indication whether the passengers in the stopped cars were apprehended, but as noted above, the military procurator stated that no one had been arrested or tried for firing at soldiers.

The same incident was described by Commander Boiko as involving 3 cars, with one automatic rifle firing from each. Another eyewitness, a driver in the convoy, Oleg Malakhov, described passengers in Zhigulis (number unspecified in our notes) firing on the soldiers with automatic rifles.

Other documents described soldiers killed and wounded by a grenade thrown into a group of soldiers at 12:30 a.m. on the corner of Alishera Navoi and Chepaev Streets. Andrei Mikhailovich Tarakanov died from shrapnel wounds caused by the grenade. The autopsy report was accompanied by photos of 9 irregularly shaped metal pieces, the largest around 2 centimeters in length, two others 1 centimeter in length, and the remainder between 4 and 7 millimeters.

We saw one file on a soldier allegedly killed by automatic fire. The bullet that was the cause of death was photographed and identified in the photo as 2 1/2 cm long, 7.62 mm caliber. The 7.62 mm round is used in older automatic rifles; the military commandant stated that the Soviet troops used only the newer 5.45 mm round, and claimed that civilians were armed with the 7.62 mm round.

Another file contained documents on the wounding of Sergeant Satsunin by hunting rifle buck shot.

The following eyewitness accounts taken by Helsinki Watch/Memorial and by the Supreme Soviet Commission provide further details on the behavior of civilians:

Sabir Adnaev (testimony taken by Leonov, 2/1/90):

The Ministry of Health had agreed at the request of the Popular Front to send ambulances to the barricades. The ambulances were supposed to go to the barricades at 9 a.m. on the 20th.

The purpose of the ambulances is not clear from this testimony; whether they were to have waited at the barricades in case it was necessary to ferry the wounded, or whether the vehicles were to have been used as part of the blockade.

Nidzhat Latif ogly Feizullaev (testimony taken by Leonov, 1/30/90):

Civilian buses were being used to link the demonstrators. (It is not clear how: by moving people from one barricade to another, or by transmitting information). I boarded a bus and stated that it was necessary to inform one of the barricade positions about shooting by

soldiers in another part of the city...

At the 11th Red Army Square, I saw no barricade, but a few passenger cars and a pile of stones brought by the demonstrators (presumably for throwing at soldiers). Down the road toward the center of the city, I saw people throwing stones and empty bottles. Some tried to fill the bottles with gasoline, but they couldn't find a hose with which to siphon gas off from the cars into the bottles. Some people started fires on the road with tires.

Surkhat Ismailovich Gadiev (testimony taken by Leonov, 1/29/90):

Five soldiers with light shrapnel wounds were admitted to the hospital where I was working. The soldiers stated that someone threw an explosive (vzryvchatka) at them.

Nelli Gennadievna Zotova (Commission file):

Aleksandr Vladimirovich Semenov and I were driving on January 20th at 8 p.m. We drove past a military post on Tbiliskii Prospekt. 100-150 meters later, a red Zhiguli car jumped out from somewhere. I heard shots, and Semenov was hit. The shots came from the red car. [She does not describe seeing anyone fire or provide any other evidence to support this statement, except that all the bullets came from Semenov's side of the car; presumably the red car was on that side too.] Soldiers helped me carry Semenov into someone's yard and helped me give Semenov first aid. Shooting began again, and then stopped. Eventually he was taken to a hospital, where he died.

The accounts set forth above are representative of the available evidence of civilian resistance. While film of the fighting is believed to exist (brief glimpses can be seen in documentary films produced by Azerbaidzhanis), the Helsinki Watch/Memorial team did not succeed in obtaining any. Hedrick Smith, in his book *The New Russians*, writes that he saw a film showing civilians firing tracer bullets from the roof of a building.²²

Based on the above accounts, a general picture of civilian resistance emerges. The Popular Front had anticipated the arrival of Soviet troops and had mobilized civilians to erect barricades to prevent them from entering the city (not unlike the barricades that were erected in the Baltic Republics a year later in response to the same threat). A few days before the Soviet troop action, some Popular Front leaders, with the approval of the Azerbaidzhani Communist Party leadership, formed a Council of National Defense whose primary purpose was to organize civilian militias to go to the Armenian border area and to Karabakh. There is no evidence that this Council was planning an armed takeover of Baku. In Baku on the night of January 19 and afterward, most of the civilians were unarmed. Some had stones, Molotov cocktails, and hunting rifles. A small number may have been armed with automatic weapons. While public transport and perhaps even ambulances were enlisted in the blockade effort, there is no credible evidence to suggest that these vehicles acted in anything other than a defensive manner.

Military Casualties

The military procurator stated that 25 soldiers died in Baku as a result of fighting, but did not

²² H. Smith, *The New Russians* (New York: Random House, 1991), p. 348.

provide a figure for wounded. The article in the Military-Historical Journal noted above claimed 29 dead "at the hands of extremists in Baku." The procurator's list has three fatalities not listed in the article, and the article lists seven fatalities not noted by the procurator. The two lists also differ according to dates of death in many cases. It is not clear how many of the deaths listed by the procurator can be attributed to civilian resistance, although judging from the accounts of that resistance, it is plausible that some of the military casualties were caused by civilians.

As noted below, the frenzied firing by Soviet troops makes it likely that some of these deaths were the result of friendly fire. According to the Commission, at least four of the victims were killed in one such incident on January 21 in Lenin Square. (Indeed, the military list shows four victims killed in Lenin Square on the 21st.) Several eyewitness accounts indicated that soldiers in one military vehicle fired on another military vehicle in front of the Apsheron Hotel. One eyewitness who helped ferry wounded to the military hospital saw seven wounded and two dead in this incident.

Other explanations offered by Azerbaidzhani civilians for military deaths include provocations by the KGB. Many, for example, blame the KGB for the automatic weapons fire from unknown assailants in unmarked cars. No evidence was presented to support these claims.

Behavior of Soviet Forces

(The following information is based on eyewitness testimony taken or examined by Helsinki Watch/Memorial. In the limited time available, we could not examine all the evidence in the hands of the Supreme Soviet Commission or other sources. The preliminary report of the Supreme Soviet Commission, reprinted in Appendix B, provides complete statistics on casualties. While the Commission's work was in our judgment reliable, we could not independently verify these statistics.)

In contrast to the evidence of minimal civilian resistance, credible evidence was found that Soviet soldiers: fired on clearly marked ambulances, killed and beat ambulance doctors and in at least one case seized a patient; fired on civilian buses full of unarmed people; crushed or tried to crush unarmed civilians under tanks and other heavy military vehicles (in at least one documented case intentionally); fired at and ran over civilian cars, some with people inside; randomly sprayed residential areas with automatic weapons fire; and physically and verbally abused unarmed civilians in custody, in at least one case resulting in death.

The following summaries of eyewitness testimony provides a picture of the behavior of the Soviet troops:

Arif M. Babaev (Commission affidavit):

On the night of January 19 and morning of the 20, Babaev drove around various parts of Baku and reported what he saw in his affidavit, which includes detailed maps.

My first stop was in front of Salianskii barracks near the Military Procurator's office. At 12:45, two officers emerged from the barracks to talk to the picketers. The officers asked what they would do if military vehicles tried to exit the barracks. The picketers replied that they would lie underneath the vehicles. The officers stated their belief that the picketers were armed and would fire at the vehicles, and the picketers responded that they were not armed. The officers returned to the barracks. A few minutes later, shots could be heard [but there was apparently no firing at this particular location]...

I drove on. On another street I saw another group of pickets who were unarmed. Suddenly they heard someone scream that a BTR [armored vehicle] was approaching on a cross street. Two cars were driven up to the cross street and tipped over to form a barricade against the BTR. Soldiers opened fire with automatic weapons on the cars blocking the road. The picketers started to run when they heard the shots, and the soldiers began shooting at the fleeing people. I saw about 14 people fall on the street. An approaching ambulance was also fired upon. A militia car also arrived, and an officer appealed through a loudspeaker to stop shooting so that they could retrieve the wounded; this car was also fired upon. When the BTR left, people came back to look after the wounded. Then someone opened fire on them from a window of the dormitory of the military academy...

....

After two other stops, I returned to Salianskii Barracks [at a different location than where he was previously]. Picketers were also present. When I started to approach the picketers on foot, I heard shooting and the sound of military vehicles. I stopped, and turned around a corner to observe. I saw military vehicles [what kind is not stated] from which there was continuous shooting from machine guns. These vehicles cleared a path through the barricade of cars set up by the pickets. As the picketers ran in a panic, soldiers in camouflage came out of the gate of the barracks firing at them. After the people dispersed, the soldiers threw their automatic weapons on the bodies of the dead and took pictures of them...

Babaev was eventually shot and wounded as he walked home after parking his car at a nearby garage. It is not clear who shot him; although he described seeing soldiers in front of him at the time he was shot, he was shot from behind.

Random Firing In Residential Areas

Eyewitness and photographic evidence indicates that Soviet troops fired automatic weapons into residential areas. The Helsinki Watch/Memorial group was shown residential buildings with facades pocked by bullet holes said to have been made by Soviet troops. We were also shown photographs of these and other similarly damaged buildings. One Azerbaidzhani scholar showed us shells from 5.45 mm rounds that he found in the courtyard of his apartment building on January 20. The military does not deny that troops fired on residential buildings, but claims that they were responding to gunfire from snipers in the

buildings or on the rooftops. As noted above, however, no such sniper was ever killed or captured. The following are samples of the eyewitness testimony.

Eduard Abbasovich Nasirov (Commission affidavit written and signed by Nasirov):

On the night of the 19th-20th, I heard shots and went out onto Beibutova Street to see what was happening. Many others had gone outside too, including women and children. Soldiers passed by in formation, "like in a parade." At the head of the formation was a commander who told people to go back into their yards. My family and I went into our yard. At that time shots rang out, and three hit in the yard, killing Murvat Ragim ogly Sharifov and wounding his wife.

In another affidavit, Vagif Tairovich Suliaev described the troops in this incident as USSR MVD, who opened fire on the street without warning.

According to eyewitnesses (Commission affidavits), Farida Nariman kyzy Abbasova was killed in her yard while hanging laundry by random gunfire of unknown origin.

Not all Soviet troops behaved in such an undisciplined manner in residential areas. Safa Mirzoev (testimony taken by Kushen, 12/16/90) reported this scene:

We could see tracer bullets and hear cannon from the apartment. Fifty meters from the apartment was a Popular Front District headquarters; all night long there were people gathered in front of the entrance, around 500-600 people. At 2:30 a.m. a company of soldiers (around 300) marched in a square formation down the street. At the corners were soldiers with metal shields; in the middle of the square were 10-15 soldiers who were firing into the air. A group of 500-600 Azerbaidzhanis were in front of and behind the soldiers, about 50 meters away, following them down the street, shouting nationalist slogans, and throwing objects at the soldiers. The soldiers did not fire at the crowd.

Attacks on Doctors, Ambulances and Hospitals

Among the most heinous violations of human rights during the Baku incursion were the numerous attacks on medical personnel, ambulances and even hospitals. Ambulances, because they were in the midst of the military action, were frequent targets.

At least one doctor was killed by Soviet Army fire. According to affidavits on file with the Commission and others collected by Memorial, Aleksandr Vitalevich Markhevka was killed in an ambulance on its way to Kala, near Baku. According to eyewitnesses, his ambulance and another ambulance team were shot at by Soviet soldiers from a tank. Like all the ambulances fired on, these were plainly marked as ambulances with red crosses prominently displayed. Although the road was dark, one of the ambulance drivers reported that their headlights were on, as was an illuminated red cross. Furthermore, a column of military vehicles passing near the tank at the time illuminated the road with their headlights.

Irada Abdullaeva (testimony taken by Kushen, 12/20/90), an ambulance doctor who traveled around the city on the night of January 19-20 picking up wounded, gave this account:

The first place we saw shooting was on Sharifzade Street near the Metro Station Inshaatchylar (Stroiteli in Russian). Soldiers sitting atop 4 BMP's were shooting at civilians inside the subway station entrance. After the BMP's left, we went to the station entrance and found one dead man, around 24 years old. He was unarmed; there was nothing in his hands. We next went to Patrice Lumumba Street and then turned onto Khakverdiev Street. Near the movie theater Kazar two wounded women approached us; one was wounded in the arm, one in the head. Both were in their early twenties. We picked them up. Further down the road, three soldiers with automatic weapons, around 27 years old, approached our ambulance and forced it to stop. Two of the three were dressed in dark green military clothing; the third was dressed in black. One of the soldiers opened the door to the ambulance and grabbed one of the wounded women; when I tried to intervene, the other soldier, the one in black, hit me with his rifle butt. After the soldier took the woman, the ambulance started off. We heard more shots. When I reached back to close the door, I saw the woman lying on the ground; I could not tell if the woman had been shot again or had merely fallen.

Later, Abdullaeva's ambulance was fired at by 10-12 soldiers. She and the driver ducked down, and neither was hit. Photographs of the ambulance show it marked with numerous bullet holes.

Abdullaeva's testimony was credible but differed in several key areas from that offered by her driver in a prior affidavit. There, the driver claims that the dead man in the station had been executed by a Soviet soldier. Also, he mentions nothing about the incident where the soldiers abducted the victim and struck the doctor. The driver, who was present for part of the interview with the doctor, while adding some details, did not claim that the dead man had been executed. Not knowing until later about the driver's prior statement, we did not question him about it.

Civilians Run Over by Military Vehicles

Photographic evidence and the testimony of numerous eyewitnesses indicate that there were many crushed civilian vehicles on the streets of Baku on the morning after the Soviet troop deployment. Their total destruction could only have resulted from heavy objects such as the armored vehicles used by Soviet troops. Other witnesses reported seeing Soviet tanks on the night of January 19-20 driving recklessly through the streets of Baku, crushing any object in their path.

Most damning of all are several reliable reports of Soviet tanks intentionally or negligently running over civilians and civilian vehicles with passengers inside. Anar Garibov (Testimony taken by Kushen, 12/19/90), told this story:

On January 20th, at 6 p.m., there was a rally in front of the Central Committee building. Three trucks blockaded the road in front of the building to prevent Soviet troops from approaching. I was standing alone in front of the trucks when a BTR approached. I waived my arms, motioning the BTR to stop. It did not stop, but instead gunned its engine as if in warning, its turret moving from one side to the other. It proceeded to run me over. I fell between the tank treads and escaped largely unhurt, although my coat was ripped to shreds. [He showed the coat, ripped to shreds.] One other person was struck by the BTR and wounded.

Garibov's account was corroborated by two other people interviewed by Helsinki Watch/Memorial.

In another incident, the "case of the 5 professors" (Commission file), a group of academics was driving in a passenger car from Baku to Sumgait on January 24. The car ran out of gas and stopped on the right side of a one-way road. There was a very severe wet snow falling, and the road was slippery. A convoy of Soviet tanks came along. The first two tanks passed by, but the third swung to the right, crushing the car, killing three passengers and wounding the two others. A criminal case was brought against the driver, who was convicted of criminal negligence and sentenced to six years in prison. This is the only case in which a soldier faced criminal charges for the Baku events.

In several other cases there were no eyewitnesses, but the condition of the bodies makes it likely that they were victims of Soviet tanks. The autopsy report on Gabil Kommumar ogly Azizov (Commission file), indicated bone fractures along the right side of his body and skull, and concluded that he had been run over by a tank or heavy truck. Another victim was so badly crushed that the body was unidentifiable. While the absence of eyewitnesses in these cases makes it impossible to conclude definitively that Soviet tanks or military vehicles were responsible, no one has alleged that Azerbaidzhani civilians in Baku possessed such heavy vehicles.

Attacks on Passenger Buses and Cars

A great number of victims from the Baku incursion were simply in the wrong place at the wrong time, when they were attacked in their cars or on public transportation by Soviet troops. Perhaps the most outrageous incident involved the firing on a passenger bus. Many eyewitness accounts detail the intentional cruelty of the Soviet soldiers involved in the attack. Two people were killed and many were wounded. As noted above, the military procurator claimed that the passengers on the bus opened fire on soldiers, who then fired back. The eyewitness testimony from seven passengers tells a different story. Here are summaries of a few of them:

Ilkham Malekhovich Aliev (Commission affidavit):

On the night of the 19th-20th I got on a bus (route 39) with 30-40 people, going toward the Lieutenant Shmidt factory. Suddenly, without any kind of warning, or we did not notice any, all the windows of the bus were shot at. The shooting continued for approximately 8 minutes. The shooting was mostly at the windows as we lay on the floor...

After the shooting ended we were led off the bus by soldiers, one-by-one. The passengers were beaten with clubs, and held on the ground. After about 10 minutes ambulances arrived to take the wounded. The soldiers did not finish off the wounded; they merely beat us coming off the bus. The soldiers accused us of starting "provocations," and threatened to kill us. The soldiers also claimed that we [the passengers, or perhaps Azerbaidzhanis in general] were responsible for killing 2 soldiers.

Rizvan Gulam ogly Shukiurov (testimony taken by Leonov, 1/29/90):

Late at night on the 19th or 20th, I was standing with a group of 100-200 people near the Giandzhlik Metro. An empty bus approached and 35-40 people got on with me. The bus was fired upon [at some point early on during its journey]. The first two shots were fired at the front of the bus. Then it was fired on from all sides. Someone shouted, "Don't worry,

they are blanks." I was hit three times in the leg. There were no arms on the bus, nothing that could have provoked the shooting. There was no warning. When the soldiers arrived at the bus they forced people off, saying that they will kill all Azerbaidzhanis. A soldier ordered me to stand, and kicked me when I did not. I fell out of the bus onto my broken leg. Lying on the ground, I saw a soldier firing a machine gun at other buses and cars. They lit is not clear who said "Stop!" but he continued shooting. When I asked for first aid, a soldier approached and said, "I'll show you first aid -- we will destroy your people," and shot me two times more.

Kamil Ali ogly Gaziev (testimony taken by Leonov, 1/29/90):

I was with a group of 20-30 people, when we heard shots, and flagged down a passing bus. I got on the bus near the stadium, near the Metro Giandzhlik. There were already 15 people on board. The passengers were normal people; no one was armed. When the bus passed the Children's Hospital #6, it was fired upon. The shooting lasted about 5 minutes. People got down on the floor of the bus. I heard the command "don't shoot," and the shooting stopped. I was hit twice, grazed in my armpit and hit in the finger. Soldiers ordered everyone off the bus. The soldiers threw the wounded onto the pavement, kicking them and cursing at them. Those who lifted their heads were kicked in the head. The only person who was given help was the father of the girl who was killed. One by one the wounded were searched. Shooting started again. I heard someone say into a megaphone: "Why are you shooting?" Then a military person, it looked like a commander, turned to those shooting with an order to stop. But they continued, until the commander screamed: "Why are you shooting. I will shoot you myself! I said stop shooting!" The shooting stopped.

Other passengers described similar scenes, including the soldiers beating and kicking the wounded, sounds of further gunfire and orders to stop shooting that were initially ignored.

A separate attack on a bus resulted in one death. El'man Mamedag ogly Sabili (letter in Commission file of Rustam Shchakhvalad ogly Aliev) drove his bus with his friend Aliev to Salianskii Barracks, and began ferrying wounded to the hospital. Upon returning to the barracks from the hospital, soldiers opened fire on the bus, hitting Aliev. He later died from his wounds.

Other civilians were attacked while driving or simply sitting in their cars:

Andrei Aleksandrovich Kunitsyn and Bashir Iakh'iaevich Mereshkov (Commission affidavits):

[Both accounts agree on the facts.] We were driving in a car that broke down at night. We decided to sleep in the car until daylight. Andrei lay down in the car, and I built a fire behind the car and warmed myself. At 2:30 a.m. I returned to the car and sat down. Five minutes later someone started shooting at the car. Both of us were hit. A BTR approached. We crawled out of the car and hid. When morning came, we got a bus to take us to the hospital.

Valentina Ivanovich Spirina (Commission affidavit, written by Spirina):

My brother-in-law drove me and my son to the airport to catch a flight. After passing through two military checkpoints on the road without incident, we saw two tanks and

soldiers ahead of us. We were preparing to stop, thinking it was another checkpoint, when shots rang out and my brother-in-law was hit. The soldiers screamed at us to get out of the car, and we were forced to go with the soldiers and leave the body of my brother-in-law behind.

The son's affidavit tells a similar story, with the following details and differences:

The road was blocked by a BMP. Our car slowed down, thinking it was another checkpoint. Soldiers fired one warning shot in the air. We didn't understand why the soldiers would be shooting, so we proceeded slowly toward the BMP. The soldiers then opened fire, killing my uncle.

In the case of Balaoglana Gabib ogly Bagirov (Commission file), the elder Bagirov, his two sons and another relative were driving from Mashtazh to Baku on January 23 at 3:00 in the afternoon. Near the taxi stand around Salianskii Barracks in Baku, soldiers on a tank opened fire on the car with automatic weapons. One son was wounded and later died in the hospital.

Bayonet Wounds

Several casualties were the result of bayoneting, suggesting that the intent of the soldiers involved was to inflict injury, since a person within bayonet range could just as readily be detained. Gelbinur Firidun ogly Kerimov (testimony taken by Leonov, 1/28/90) was walking on the street during the afternoon of January 20 when he was confronted by soldiers carrying automatic rifles and spraying the area with gunfire. He tried to run away, but was hit in the shoulder and the leg. He fell, and the soldiers stabbed him with their bayonets.

Another bayonet victim, Idaiat Rustam ogly Mamedov (testimony taken by Leonov, 1/29/90) was stabbed when he got into a cursing argument with a soldier while on his way home late at night on January 20-21.

Executions and Deaths in Detention

One credible account of a murder in detention involved a civilian Popular Front member captured by Soviet troops and transported with other detained Popular Front members on a helicopter to Baku. According to eyewitness Dzhabrail Gadzhiev (Commission affidavit), Tariel Gadzibala ogly Abdullaev had his arms and neck tied tightly with wire and was killed when a soldier picked him up by the wire, thereby strangling him. According to Gadzhiev all the detainees were beaten before they boarded the helicopter and while on the helicopter. The military claims that the man died of strangulation when he fell over tied in this position. All the prisoners were thrown out of the helicopter onto the tarmac from a height of three meters. The body of the dead man was then dumped out on the road on the way to prison.

Another man, Vagif Kuliev, was shot in Kala and reported in his affidavit (testimony taken by Mekhti Mamedov, 1/29/90) that he was lying next to another wounded man who was subsequently bayoneted in the chest as he lay on the ground. It is not known if this victim survived.

Other accounts of executions could not be verified by Helsinki Watch/Memorial.

Behavior of Reservists

Many eyewitness accounts identified as particularly depraved some older soldiers who appear to have been reservists. They were frequently described as having long hair and beards, aged 30-40 and tall. Sometimes they were described as drunk. Vagif Kuliev (testimony taken by Mekhti Mamedov, 1/29/90), who saw one of these soldiers stab the victim lying next to him, described them in this way:

They were close to me and I distinguished their faces. They were very tall, had long hair and beards; they cursed in vulgar language: "Turks are scoundrels, we'll kill them all." These were special punishment forces since having been in the army myself I know that such soldiers do not belong in the regular army.

Another witness, Nadir Aliev (testimony taken by Mekhti Mamedov, 1/29/90), described soldiers who were tall, with long hair, mustaches and beards, shooting people in the back.

Shakhveddin Shekhnabi ogly Shikhaliev (testimony taken by Leonov, 1/29/90), encountered "long-haired, bearded, drunk, cursing" soldiers, who after shooting him dragged him by his wounded legs 500 meters along the road. He also saw one of these soldiers point a gun at the heart of a wounded man who was lying on the ground asking for water. Before the soldier could fire, the man died.

Reported Use of "Extra-Lethal" Bullets

Helsinki Watch/Memorial heard persistent reports of the use of special bullets designed to cause grievous injury. These were sometimes described as being of two kinds: one kind had a jacket that exploded upon impact causing many shrapnel wounds; the other had a displaced center of gravity that caused the bullet upon impact to somersault through the body causing greater injury than a bullet with a straight trajectory. Other reports ascribed both properties to the same bullet. Rumors of the use of the "displaced-center" bullet were also reported in Georgia and Moldavia in 1990 and in Lithuania in January 1991.

The Supreme Soviet Commission and the *Shchit* group both claim that this second type of bullet was used in Baku. The report of the ballistics expert relied upon by both groups in Baku is conclusory and not in itself convincing. The Helsinki Watch/Memorial group obtained copies of several ballistics studies upon which the final report was based, one of which appeared to be of an exploding bullet. We also

obtained an expended bullet retrieved from the courtyard of an apartment building on January 20, and identified by the Supreme Soviet Commission's ballistics expert upon visual inspection as a displaced-center bullet.

Ballistics and forensics experts in the United States were extremely skeptical of the existence of an "extra-lethal" bullet. These experts agreed that ordinary high velocity, low mass ammunition from an automatic weapon would fragment on impact with bone, or somersault through soft tissue.

Three of the experts with knowledge of Soviet weaponry stated that the bullets described above were in fact one type of bullet, a 5.45 mm round fired from an AKS-74 automatic rifle, similar to the modified M-16 automatic rifle that is used by NATO forces. The bullet is extremely light and small and travels at high velocity, spinning on its axis of flight.²³ It was originally designed to be of small size, so that it could be carried more easily in combat. Because of its small mass and high velocity, however, it is unstable. It somersaults when striking soft tissue, at an earlier point in its flight path than the 7.62mm round. The result can be injuries that are more grievous than those produced by the slower, more massive 7.62 mm round. (One expert categorized the Soviet AK-47 that fired 7.62 mm rounds as being the "safest" type of automatic rifle available.)

The term "displaced-center of gravity" would technically apply to any bullet with a cone shaped tip, including the 5.45 mm round used by Soviet soldiers; its center of gravity would be to the rear of its linear center. The center of gravity in the 5.45 mm round is slightly more displaced because of a small air space that exists in the tip of the bullet. American experts insist that this air space is a production artifact; it is simply too difficult to push the core of the bullet all the way up into the tip of the shell during manufacturing. A further displacement occurs upon impact when the lead flows asymmetrically into this space; as a result, the flight path of the bullet can change by as much as ninety degrees from the moment of entry.²⁴ This characteristic also can result in more serious injury than the 7.62mm round, or the M-16 round. Like all high-speed ammunition, the jacket of the 5.45mm bullet will fragment on impact with bone. It does not usually fragment on impact with soft tissue.

Many people, including the military procurator, the *Shchit* investigators and the members of the Supreme Soviet Commission insisted that there were two types of 5.45 mm round, a "normal" round and one with a displaced center, that could not be distinguished by visual inspection.²⁵ The military procurator and the *Shchit* investigators claimed that the displaced-center bullets were tested in Afghanistan. American experts acknowledged that the 5.45 mm round was first used in the Afghan War. But they discounted the rumors (circulating even then) of some "extra-lethal" 5.45 mm round, as the product of hysteria and ignorance about ballistics and forensics.

The military commandant denied that anyone in the Baku events used the displaced-center bullets. However, he readily admitted that the military used 5.45 mm ammunition, and claimed that the civilian combatants used the old 7.62 mm.

While Helsinki Watch/Memorial received no credible evidence that an "extra-lethal" 5.45 mm displaced center round exists or was used in Baku, it is clear that the standard 5.45 mm round is extremely

²³ Fackler, Surinchak, Malinowski & Bowen, "Wounding Potential of the Russian AK-74 Assault Rifle," *The Journal of Trauma*, vol. 24, No. 3, Mar. 1984, p. 263.

²⁴ Fackler & Malinowski, "Internal Deformation of the AK-74; A Possible Cause for its Erratic Path in Tissue," *The Journal of Trauma*, vol. 28, No. 1 Supplement, Jan. 1988, p.S72.

²⁵ If this is the case, then the work of the Supreme Soviet ballistics expert is suspect, since he visually identified a bullet we presented as a displaced-center type.

lethal and its use cannot be justified in an ostensible police action whose purpose was to restore order.

Number of Casualties

According to the Supreme Soviet Commission, 132 people died as a "consequence of the illegal introduction of troops into the city of Baku." The last of these victims was reported to be a woman shot in the back by a Soviet soldier while violating the curfew in December, 1990.

It is impossible to state precisely how many of these were civilians killed by Soviet troops. For example, in several cases, the only evidence of the circumstances of death is that a body with bullet wounds was delivered to the morgue during the time of the Soviet incursion. No eyewitness evidence exists as to where and by whom these people were killed. In another case, that of Azad Mirzoev (Commission file), the victim was struck by a bullet while standing in the third floor balcony of his apartment overlooking the street, as Soviet soldiers passed by. However, the autopsy report suggests that he was shot from above; the direction of the bullet was "front to back, above to below." It is possible he was shot by a rooftop sniper, perhaps by an Azerbaïdzhani civilian.

Despite this lack of precision, the Commission figure of 132 killed "as a result of" the introduction of troops is conservative; Tofik Gasimov of the Popular Front, for example, claimed 300 dead, and rumors still circulating in Baku speak of thousands, with Soviet soldiers accused of hauling bodies out to sea and dumping them to avoid detection. No credible evidence has emerged to support this contention.

The Commission reported that at least 744 others were wounded during the Soviet troop action. Independent activists spoke of more than 700 wounded. Helsinki Watch/Memorial did not attempt to verify this figure.

Conclusions on the Use of Force

While certain units of Soviet forces were relatively disciplined and restrained in their behavior, many were not, and unjustifiably inflicted grievous harm upon innocent civilians. Thus, while one group of soldiers reportedly fired into the air in response to taunts and rock-throwing by civilians, the soldiers who fired on the civilian bus behaved with the utmost depravity and could not even be adequately restrained by their commander until he threatened to shoot the soldiers if they did not obey.

Even assuming a plan by a wing of the Popular Front to seize power by force (and as noted above, the evidence suggests other motives for the Soviet military action), it appears that the appropriate response would have been a police action with the use of non-lethal force if necessary, and not, as actually occurred, a full-scale military assault using troops who were unrestrained in attacking, beating and even murdering innocent civilians.

Soviet troops were clearly unprepared for police duties and the use of non-lethal force. When asked if the soldiers at Salianskii Barracks had tear gas to use against the blockading picketers, for example, the military procurator said that they did not, but claimed that tear gas would have been useless because the picketers were dispersed over too large an area.²⁶

The letter cited above from Lieutenant Colonel Polozkov to General Dubiniak indicates how poorly prepared Soviet troops were to face whatever civil disturbance that confronted them. Polozkov reported that for 250 men, he was supplied with 250 bullet proof vests, but only 34 of them were of sufficient strength to provide any protection. They had no tear gas, no plastic or rubber bullets, and no clubs. They

²⁶ There were reports of tear gas being used in some areas.

had 170 shields -- 70 of them were made of lightweight plastic that Polozkov described as useless, and the others were fashioned by the soldiers themselves out of scrap aluminum. In essence, if faced with a hostile crowd, the soldiers had recourse only to tanks, automatic weapons and bayonets, making the use of excessive force much more likely.

The military procurator denied that soldiers used excessive force; his investigation had revealed no cases where soldiers used weapons improperly. When asked about cases where civilians were shot in the back, he replied that there were a lot of random victims. He freely admitted that ambulances were fired upon by soldiers, but claimed that in these cases the ambulances were firing on soldiers first. As noted above, no evidence to support this allegation was produced. Similarly, firing at residential buildings was justified by the allegation that snipers were firing at the troops. Again, no concrete evidence of these snipers was produced.

Arrests and Detention

According to Leila Iunusova, a historian, political activist and independent journalist, in the aftermath of the January events more than 100 people were administratively detained in Baku for 30 days, pursuant to the police powers under the state of emergency. In areas around Baku, more than 300 people were detained administratively for one to three months. The Supreme Soviet Commission reports that 841 people had been detained as of May 1, 1990.

One of the leaders of the Popular Front arrested was Ekhtibar Mamedov. Information about his case was obtained largely in discussions with his lawyer, Iusif Gadzhif.

Mamedov was arrested in Moscow at the Azerbaidzhani Mission. He was one of several Popular Front leaders initially charged solely with incitement of ethnic hatred. Later, an additional charge was added to Mamedov's accusation: violating public order.

As with the other Popular Front leaders detained in Baku, he was held in Lefortovo Prison in Moscow. The KGB investigators gave several reasons for the detention of Mamedov and others in Moscow rather than Baku. First, they did not want their imprisonment to be a rallying point for people in Baku. Second, the prison was not equipped, either physically or with staff, to handle prisoners of "such stature." (This was not explained.)

Mamedov was arrested on January 26. He was held in Moscow until September, when he was returned to Baku for trial. In Moscow he was represented by counsel, but she was ill and was ineffective as a result. When the investigation closed and Mamedov returned to Baku, he was represented by Iusif Gadzhif. The basis for the charges were speeches he made in Baku on December 29 and 30, 1989 and January 13, 1990 and his participation in the Council of National Defense. The prosecution claimed that his speeches called for a declaration of war against Armenia, for severing all contacts with Armenia and for driving the Armenian population out of Azerbaidzhan.

Mamedov's attorney claimed that the Russian translation of the text of his speeches was incorrect in a few particulars that formed the basis for the prosecutor's charge. In fact, according to his lawyer, Mamedov did not advocate a declaration of war against Armenia but a recognition that a state of war existed. He did not call for Armenians to be driven out of Karabakh but advocated their resettlement according to law. (Advocacy of forced resettlement, even "according to law," might still constitute a crime under the Azerbaidzhani code.)

As for violating public order, the prosecution claimed that Mamedov interfered with the introduction of Soviet forces into Baku through his membership in the Council of National Defense, his calls to the Azerbaidzhani people to prevent troops from entering Baku, and his coordination of the blockade.

Another Popular Front leader arrested was Rakhim Kaziev. Kaziev was charged with violating public order, stemming from his participation in the Council of National Defense and his role in coordinating the blockade, and with violating the USSR border by crossing illegally to and from Iran. Kaziev was also held in Lefortovo Prison in Moscow from the time of his arrest in March to his release in September.

Both Mamedov and Kaziev were elected as representatives to the new Azerbaidzhani Congress. Shortly thereafter, they were released on their own recognizance. Their new positions seem to convey some kind of retroactive immunity; Mamedov's lawyer and several others in Baku explained that the criminal cases against both could not now go forward unless the Azerbaidzhani Supreme Soviet voted to permit this. No one believed that the Supreme Soviet would do such a thing, even though it is dominated by the Communist Party apparat.

Three other opposition leaders, Magomet Gatami, Khalil Rza and Tahir Abbasov were also tried on charges of incitement or violating the public order, but the cases were all dismissed. All had been incarcerated in Lefortovo Prison in Moscow pending trial.

In an interview with Helsinki Watch/Memorial, Tahir Abbasov described mistreatment at the hands of the KGB. He was arrested in March 1990 and held in the KGB prison in Baku for one day, where he was beaten. He was then taken to Moscow. He was advised of the charges against him, espionage and instigation of national hatred, on June 20. He was interrogated twice in Russian without the aid of an interpreter. (During our interview, conducted in Russian, Abbasov frequently relied on someone to translate to and from Azerbaidzhani.) He was told by a KGB Senior Lieutenant, Aleksandr Gennadii Skroblev, that his mother had been killed. (She is alive.) He was asked to go on television and admit his guilt. Skroblev forced him to eat raw pork and he was beaten when he attempted to pray (Abbasov is a Moslem). On his return to Baku from Moscow, he was beaten every day. He was offered an attorney by the KGB, but he refused. He first contacted a lawyer on October 17, after returning to Baku.

Local KGB investigators denied all allegations of mistreatment; Helsinki Watch/Memorial did not interview the two KGB officials in Moscow named by Abbasov.

Several local Popular Front activists were on trial in December 1990. Some of these cases involved possession or acquisition of arms. It is not clear if these stemmed from the Council of National Defense's plan to send volunteer militias to the border area, or if they involved the alleged armed takeover of Baku. Others trials were for violation of public order. Several defendants were Popular Front members from Lenkoran, where the Popular Front had nonviolently taken de facto control of the government.

According to Cronid Lubarsky, a veteran chronicler of political prisoners in the Soviet Union, there are still 9 Azerbaidzhanis being detained as a result of the January events in Baku for political activity.

Information about others detained or tried for their involvement in the January events is scarce; Leila Iunusova, who provided much of the information regarding prisoners, noted that information was particularly scarce on cases outside of Baku. Also, she expressed the fear that while many of the highest level Popular Front leaders in Baku have been released, others in the outlying regions of Azerbaidzhan are still incarcerated and are unknown.

Other Human Rights Violations

The declaration of the state of emergency resulted in the suspension of most civil liberties, many of which have not been restored to this date, more than 15 months later. Public meetings, demonstrations and strikes were banned, media were placed under military supervision and a curfew was introduced. Foreigners were not permitted to travel to Baku from January 4, 1990 (before the state of emergency began), until November 1990. This travel ban sharply reduced the flow of information about events in Baku to the outside world. It stands in sharp contrast with the vivid images of the behavior of Soviet troops captured by foreign correspondents in Vilnius, Lithuania, in January 1991.

As this report was being completed in April 1991, the Azerbaidzhani Popular Front newspaper, *Azadlyg*, was still subject to military censorship by the military commandant himself, Valerii Buniatov. The newspaper of the Social Democratic Party has been suppressed, although it is not clear whether by the military or civilian authorities. The curfew was reportedly lifted only on April 19, 1991.

With the justification for military intervention in Baku tenuous at best, there appears to be no basis for this suspension of civil liberties, particularly after the "threat" of the Popular Front was crushed within the course of a few weeks. Yet the state of emergency continues more than fifteen months later, fueling allegations that its true purpose is to suppress independent expression and political activity.

Conclusions

The following conclusions about the Soviet military action are based on the evidence obtained by Helsinki Watch and Memorial:

- **The Soviet military used excessive force in Baku and elsewhere in Azerbaidzhan. This conclusion is based on the minimal degree of armed resistance, regardless of whether the ostensible purpose of the military force was to protect non-Azerbaidzhanis or to prevent an armed uprising.**
- **This excessive force resulted in the deaths of scores of innocent civilians and the wounding of hundreds more.**
- **The Soviet military action in Baku did not serve any stated objective of its mission.**
- **While imposition of a state of emergency may well have been justified during the anti-Armenian pogrom of January 13-16, the continuation of the state of emergency in Baku more than 15 months later serves none of the objectives outlined in the USSR Supreme Soviet declaration of the state of emergency.**
- **The continuation of the state of emergency in Baku violates Soviet law in that it does not serve any of the purposes outlined in the current Soviet law on states of emergency, and does not appear to be a "temporary" measure as required by the Soviet law.**
- **The continuation of the state of emergency in Baku and the resulting restrictions on freedom of movement, expression and other civil liberties is inconsistent with Soviet obligations under the International Covenant on Civil and Political Rights, the Helsinki Accords, and the Universal Declaration of Human Rights.**

Recommendations

The following recommendations, while made in the light of our investigation of the January events in Baku, are also in many cases intended for general application in the future.

- **The state of emergency of January 20, 1990 should be lifted and Soviet troops stationed in Baku and other parts of Azerbaidzhan pursuant to this state of emergency should be withdrawn. (Helsinki Watch/Memorial takes no position on the state of emergency currently in force in Karabakh and along the Armenian border.)**
- **The Commission of the Azerbaidzhani Supreme Soviet investigating the events should be given the full cooperation of the Soviet government and military.**
- **If possible, the Commission or another independent commission should identify those members of the military responsible for the use of excessive force, and these members of the military should be held criminally responsible.**
- **An independent commission should be established to investigate the behavior of Azerbaidzhani militia and USSR armed forces during the anti-Armenian pogroms, with the goal of prosecuting those found responsible for failing to protect the civilian population. Such an investigation should also include a review of the chain of command and decision making in the Soviet and local militia to determine whether rigid procedures were in any way responsible for the failure of forces to act in a timely manner.**
- **The Soviet military should not be used in police actions except as a last resort. Military functions and police functions should be kept separate whenever possible.**
- **Soviet forces performing police functions should receive proper training in crowd control and the use of non-lethal force.**
- **Soviet forces performing police functions should be provided with necessary equipment to carry out such functions in areas of civil unrest, including tear gas, rubber bullets, rubber truncheons, shields, bullet-proof vests and horses for crowd control. They should be trained in the use of such equipment.**
- **Soviet forces performing police functions should not be armed with weapons such as the AKS-74 that inflict injury out of all proportion to the threat involved.**
- **The Soviet government should not close areas of unrest, including areas where states of emergency are in effect, to national and international scrutiny. It should allow observers and journalists, including foreigners, to travel to such areas and report on events.**

Appendix A
Official List of Fatalities From January Events In and Around Baku

Military Personnel Killed in Baku²⁷

	NAME	DATE OF DEATH
1.	Akhundov, Oleg Suleimanovich	1/20/90
2.	Aksenov, Aleksander Vladimirovich	1/25/90
3.	Belyasov, Vladimir Ivanovich	1/24/90
4.	Bogdanov, Evgenii Gennadievich	1/20/90
5.	Borisov, Pavel Anatolievich	1/22/90
6.	Vasyukov, Sergei Mikhailovich	1/29/90
7.	Gamartsev, Vladimir Panteleyevich	1/20/90
8.	Izocin, Grigorii Lavrentievich	1/20/90
9.	Kovalev, Vasilii Vasilievich	1/20/90
10.	Kovalev, Sergei Vladimirovich	1/20/90
11.	Konoplev, Aleksander Vladimirovich	1/25/90
12.	Kuzmin, Andrei Yurievich	1/20/90
13.	Kuleshov, Andrei Petrovich	1/21/90
14.	Lukin, Sergei Borisovich	1/25/90
15.	Lukyanov, Vyacheslav Vyacheslavovich	1/20/90
16.	Maleev, Aleksander Vladimirovich	1/20/90
17.	Mamedov, Mekhman Sasibali Ogli	1/21/90
18.	Oleinik, Sergei Zinovievich	1/20/90
19.	Plyushchai, Grigorii Grigorievich	1/20/90
20.	Pogachevskii, Sergei Grigorievich	1/20/90
21.	Pyatakov, Sergei Nikolaevich	1/20/90
22.	Redko, Igor Efimovich	1/22/90
23.	Rusanov, Aleksander Ermolaevich	1/20/90
24.	Sobolev, Oleg Sergeevich	1/20/90
25.	Tarakanov, Andrei Mikhailovich	1/20/90

Civilians Killed in Baku and Elsewhere²⁸

Deaths in Baku

1. **Abduev, Tariel Orydzh Ogly**
2. **Abdullaev, Zakhid Abdylla Ogly**

²⁷ **List provided by Military Procurator.**

²⁸ **List provided by Azerbaidzhani Supreme Soviet Commission.**

3. **Abilgasanov, Ilgar Yusif Ogly**
4. **Abulfatov, Mirdzhamal Mirsalekh Ogly**
5. **Abbasova, Farida Nariman Kyzy**
6. **Agaverdiev, Aslan Ali-Ikram Ogly**
7. **Agaguseinov, Agagusan Yuri Ogly**
8. **Alimov, Ramis Kharisovich**
9. **Aliev, Namik Kamal Ogly**
10. **Aliev, Aruz Akhmedali Ogly**
11. **Aliev, Khalgan Yusif Ogly**
12. **Aliev, Rustam Shakhveled Ogly**
13. **Aliev, Bairam Madat Ogly**
14. **Aliev, Zakhid Bairam Ogly**
15. **Aliev, Zabulla Kheirulla Ogly**
16. **Alekperov, Azer Nasib Ogly**
17. **Aleskerov, Zaur Rasim Ogly**
18. **Ali-Zade, Faik Abdul-Gussein**
19. **Allakhverdiev, Ruslan Kamal Ogly**
20. **Azizov, Gabil Komunar Ogly**
21. **Atakishiev, Shakir Khandadash Ogly**
22. **Asadullaev, Asif Kamal Ogly**
23. **Akhmedov, Ilgar Gummet Ogly**
24. **Allakhverdiev, Ilkhaem Azhdar Ogly**
25. **Allakhverdieva, Fariza Choban**
26. **Ashrafov, Rakhman Ismikhan Ogly**
27. **Abbasov, Sabir Rzagulu Ogly**
28. **Abbasov, Zokhrab Geidarali Ogly**
29. **Almamedov, Teimur Yakhya Ogly**
30. **Abdullaev Zyub Makhmud Ogly**
31. **Askerov, Novruz Faik Ogly**
32. **Atakishiev, Bakhruz Tofik Ogly**
33. **Bagirov, Telman Malik Ogly**
34. **Bagirov, Baloglan Habib Ogly**
35. **Bogdanov, Valerii Zakirovich**
36. **Bessantina, Vera Lvovna**
37. **Babaev, Ragim Vagif Ogly**
38. **Bairamov, Isabala Ali Ogly**
39. **Babaev, Fuad Yaver Ogly**
40. **Babaeva, Suraya Lyatif**
41. **Bunyat-Zade, Ulvi Yusif Ogly**
42. **Bakhshaliev, Elchin Mirza Ogly**
43. **Balagusei, Mirgazab Ogly**
44. **Gasimov, Yusif Ibrahim Ogly**
45. **Gasanov, Ali Khudaverdi Ogly**
46. **Guseinov, Alimardan Abil Ogly**
47. **Guseinov, Nariman Vali Ogly**
48. **Gadzhiev, Mubariz Magomed Ogly**
49. **Gaibov, Alesker Yusif Ogly**

50. **Guliev, Sakhavat Bilai Ogly**
51. **Gasanov, Sakhlib Nasib Ogly**
52. **Gasimov, Abbas Memmed Ogly**
53. **Gashimov, Israfil Agababa Ogly**
54. **Geibullaev, Elchin Siyaddin Ogly**
55. **Gasanov, Mekhman Ibrahim Ogly**
56. **Gasanov, Muzaffar Gazanfar Ogly**
57. **Gamidov, Izzat Atakishi Ogly**
58. **Gusseinov, Ragib Mamed Ogly**
59. **Ganiev, Mirza Rzabala Ogly**
60. **Godzhamanov, Aliyusif Bilal Ogly**
61. **Garaev, Ilgar Ali Ogly**
62. **Dzhavanshirov, Ilkin Zulgadar Ogly**
63. **Yefimichev, Boris Vasilievich**
64. **Zulalov, Isfandiyar Adil Ogly**
65. **Ibrahimov, Ibrahim Ismaili Ogly**
66. **Israfilov, Aganazar Araz Ogly**
67. **Isaev, Mushfig Agaali Ogly**
68. **Ismailov, Mamedali Novruz Ogly**
69. **Ismailov, Tofik Babakhan Ogly**
70. **Ibrahimov, Ilgar Rashid Ogly**
71. **Isaev, Fakhraddin Khudu Ogly**
72. **Isaev, Rauf Soltanmedzhid Ogly**
73. **Ismailov, Dzhavad Yunis Ogly**
74. **Ismailov, Rashid Islam Ogly**
75. **Imanov, Elchin Beidulla**
76. **Kerimov, Ilgar Isa Ogly**
77. **Kyazimov, Aflatun Gashim Ogly**
78. **Kerimov, Ogtai Eivaz Ogly**
79. **Kerimov, Aleksandr Ramazan Ogly**
80. **Movludov, Fuad Farkhad Ogly**
81. **Mursakulov, Ismail Gassan Ogly**
82. **Mamedov, Kamal Seidgurban Ogly**
83. **Mamedova, Larisa Farman**
84. **Mamedov, Mekhman Sakhibali Ogly**
85. **Mamedov, Sakhavat Geidar Ogly**
86. **Mamedov, Vidadi Uzeir Ogly**
87. **Mamedov, Ibrahim Bekhbud Ogly**
88. **Muradov, Mekhman Asad Ogly**
89. **Mirzoev, Azad Aligeidar Ogly**
90. **Mustafayev, Makhir Vagif Ogly**
91. **Mamedova, Svetlana Gamid Yukizi**
92. **Mamedov, Mamed Yarmamed Ogly**
93. **Markhevna, Aleksander Vitalievich**
94. **Mirzoev, Vagif Samed Ogly**
95. **Mamedov, Eldar Eeinan Ogly**
96. **Meerovich, Yui Maksimovich**

97. **Mukhtarov, Rasim Mustafa Ogly**
98. **Mirzoev, Elchin Guseingudu**
99. **Nikolaenko, Alla Alekseevna**
100. **Nasirov, Yanvar Shirali Ogly**
101. **Nushchenko, Andrei Aleksandrovich**
102. **Nasibor, Allakhyar Iskender Ogly**
103. **Orudzhov, Shamsaddun Abulgasan Ogly**
104. **Poladi, Salekh Aligulu Ogly**
105. **Rakhmanov, Islam Oktai Ogly**
106. **Rustamov, Rovshan Mamed Ogly**
107. **Rzaev, Azad Allakhverdi Ogly**
108. **Salakhov, Sharafetdin Muzaffar Ogly**
109. **Salaeva, Sevda Mamedaga Kyzy**
110. **Sadikhov, Yusif Allakhverdi Ogly**
111. **Safarov, Bafadar Agamirza Ogly**
112. **Semenov, Vladimir Aleksandrovich**
113. **Tukhtamishev, Fargat Sharafullaevich**
114. **Tokarev, Vladimir Ivanovich**
115. **Turabov, Tengiz Mamed Ogly**
116. **Khanmamedov, Dzhabrail Guseinkhan Ogly**
117. **Khanmamedov, Baba**
118. **Kharitonov, Vladimir Aleksandrovich**
119. **Sharifov, Murvat Ragim Ogly**
120. **Eminov, Vafadar Osman Ogly**
121. **Yusupov, Oleg Kerimovich**
122. **Yagubov, Nusrat Ismail Ogly**
123. **Unidentified male corpse**
124. **Unidentified male corpse**

Deaths in Neftechala

125. **Dzhafarov, Abulfaz Nuraddin Ogly**
126. **Agahuseinov, Nuraddin Aslan Ogly**

Deaths in Lenkoran

127. **Abdullaev, Tariel Gadzhibala Ogly**
128. **Bakhshiev, Salman Babakhan Ogly**
129. **Badalov, Rovshan Seifulla Ogly**
130. **Mamedov, Shakhin Zakhid Ogly**
131. **Mamedov, Ragim Valiaga Ogly**
132. **Mamedov, Vagif Mamed Ogly**

Appendix B
Report of the Commission of the Supreme Soviet of the Azerbaidzhan SSR
Investigating the Conditions and Reasons of the Traglc Events
Connected with the Introduction of Forces into the City of Baku
on 19-20 January 1990²⁹

On the night of Jan. 19-20, the USSR authorities, ignoring Soviet laws as well as international norms; blatantly violating the USSR Constitution and the Azerbaidzhan Constitution; without prior onsideration by the Presidium of the Azerbaidzhan SSR Supreme Soviet; in the absence of laws regulating the institution and the procedures for maintenance of emergency rule; and without prior notification of the populace did unlawfully deploy military units and declare emergency rule in the capital of Azerbaidzhan, the city of Baku.

This criminal act, carried out with extreme cruelty, stands alongside such shameful pages of Soviet history as the invasion of Hungary in 1956, the invasion of Czechoslovakia in 1968, the invasion of Afghanistan in 1979 and the acts of violence carried out in Tbilisi in April 1989 and Vilnius in January 1991.

In the resolution of Jan. 22, 1990, the Supreme Soviet of the Azerbaidzhan SSR declared that the Decree of the Presidium of the USSR Supreme Soviet of Jan. 19, 1990, which was used as the basis for deployment of troops and institution of emergency rule in Baku, constituted an act of aggression against the sovereign Azerbaidzhan SSR, while the military actions that have caused death and injury to hundreds of Baku residents were declared a crime against the Azeri people.

For the purpose of finding those directly responsible for organization and execution of the bloody massacre of citizens of the Azerbaidzhan SSR in the city of Baku and several other regions of the republic, a Parliamentary Investigative Commission was formed by a resolution of the Supreme Soviet. The Commission includes representatives of the Azerbaidzhan Popular Front.

Under the auspices of the Commission, working groups of specialists-experts were created, including officials of the investigative organs of the Azerbaidzhan SSR MVD; members of the college of advocates; the Ministry of Justice; the Azerbaidzhan Scientific Research Institute of Forensic Medicine; the Scientific-production and educational collaborative group "Forensic Medicine and Pathology" of the Azerbaidzhan SSR Ministry of Health, and the Faculty of Law of the M. Rasul-zade Baku State University, and the Azerbaidzhan SSR Academy of Sciences. The activities of the working groups was coordinated by a staff headed by the deputy chairman of the Commission.

Independent military experts, representatives of the Union of Social Defense of the Military and Members of their Families ("Shield"), were also drawn in to the work of the Commission.

The Commission was given a great deal of help in collecting information by the residents of Baku, representatives of public groups, the mass media as well as several government agencies.

The Commission also received over 2,000 written petitions and complaints and hundreds of oral communications from the citizens. To verify this information, the Commission surveyed nearly 2,500 people, conducted 250 site and exhibit inspections, carried out 286 ballistic, autotechnical (?), commodity (?) and engineering tests, obtained 94 autopsy reports as well as reports from military specialists. Also collected and studied was a great number of audio and video materials.

Over 2,000 queries were sent to various party, Soviet, economic, law enforcement organs, as well as public organizations and USSR military authorities. Only a third of those queries received responses. Responses to queries addressed to the

²⁹ The original report presented to Helsinki Watch/Memorial consisted of 18 pages. At the request of the authors, we have omitted 3 1/2 pages of the text that describe events in Baku before January 19.

USSR Ministry of Defense, the USSR Procuracy, the USSR MVD and the USSR KGB were, for the most part, not substantive, while the queries sent to the Presidium of the USSR Supreme Soviet and the Central Committee of the USSR Communist Party were, for the most part, unanswered.

The KGB, the MVD and the Azerbaidzhan SSR Procuracy responded to a significant number of queries, although in a number of cases the answers did not satisfy the Commission.

The queries addressed to the Presidium of the Azerbaidzhan SSR Supreme Soviet were, for all practical purposes, unanswered. The Azerbaidzhan Communist Party Central Committee did not respond to all the queries.

At parliamentary hearings, the Commission questioned members of the Bureau of the Central Committee of the Azerbaidzhan Communist Party V. Polianichko and A. Dashdamirov; former Central Committee secretaries and department heads of the Central Committee of the Azerbaidzhan Communist Party R. Zeinalov and R. Aliev; Chairman of the Azerbaidzhan Popular Front A. Aliev; members of the ruling board of the Popular front Kh. Gadzhi-zade and S. Bagirov. Discussions were also held with the USSR Minister of Defense D. Iazov (in Baku), as well as members of the ruling board of the Azerbaidzhan Popular Front E. Mamedov and R. Kaziev in the pretrial confinement cells of the USSR KGB in Moscow.

In the process of preparation for the Third Session of the USSR Supreme Soviet, the Commission, on the basis of the primary source information it had collected, outlined the preliminary conclusions of its work. That report was approved Feb. 11, 1990, at a meeting of the Presidium of the Azerbaidzhan SSR Supreme Soviet. The Report in part called for:

1. Condemnation of the blatant violation by the USSR Supreme Soviet of paragraph 14 of Article 119 of the USSR Constitution as evidenced in the institution of a state of emergency in Baku in the absence of mandated discussion of that matter by the Presidium of the Supreme Soviet of the Azerbaidzhan SSR. This action sets a dangerous precedent of violating the USSR Constitution as well as the sovereignty of a union republic.

2. Consideration of the question of personal responsibility borne by those who had, in violation of the USSR Constitution, sanctioned institution of emergency rule in Baku.

3. Consideration of the question of responsibility of those who had direct control over the deployment of forces in Baku and who had done so in an inhumane, cruel manner, bringing about tragic consequences.

4. Formation of a parliamentary commission of the USSR Supreme Soviet to undertake a thorough investigation of the events in Baku that took place Jan. 19-20, 1990.

5. Ending the state of emergency, accompanied by the simultaneous withdrawal of troops from the cities and regions of the Azerbaidzhan SSR, which had not been listed in the Jan. 15, 1990 Decree of the Presidium of the USSR Supreme Soviet, as well as a decision taken by the highest organs of government power to pay compensation for damages incurred by the republic and its population.

The Report was made public at the Third Session of the USSR Supreme Soviet. However, the USSR Supreme Soviet had, for all practical purposes, evaded special consideration of the blatant violation of the USSR Constitution by the USSR Presidium of the Supreme Soviet. Also evaded was the matter of personal responsibility of those who had sanctioned and carried out the direct operation of deployment of troops in Baku.

Without rendering political judgment on the events that took place in Baku Jan. 19 and 20, 1990, the USSR Supreme Soviet, in a resolution of March 5, 1990, on "The Situation in the Azerbaidzhan SSR and the Armenian SSR and the Measures Toward its Normalization," directed the USSR Procuracy, the USSR KGB and the USSR MVD, in conjunction with the law enforcement organs of Azerbaidzhan and in accordance with the conclusions of the Commission of the Azerbaidzhan SSR Supreme Soviet, to carry out a prompt investigation of all instances of crimes and violations of rights that took place in January, 1990. Further, the

USSR Procurator General and the USSR KGB were directed to present appropriate information to the USSR Supreme Soviet within the period of two months. Meanwhile, this directive from the nation's highest authority was not carried out. Subsequent sessions of the Azerbaidzhan SSR Supreme Soviet did not address the issue of compliance with the decisions of the extraordinary session of Jan. 22, 1990.

In the process of further study and revision of preliminary information, the conclusions outlined by the Commission Feb. 11, 1990, have been, for the most part, confirmed.

The Commission's review of investigation materials supports the following conclusions: [PORTION OF TEXT OMITTED AT REQUEST OF AUTHORS]

On Jan. 19, 1990, the USSR Presidium of the Supreme Soviet issued a Decree on Institution of a State of Emergency in the City of Baku, effective Jan. 20. However, the population of the city was not warned about the Jan. 19, 1990, Decree of the USSR Presidium of the Supreme Soviet on the institution of a state of emergency in Baku starting Jan. 20.

Moreover, in the course of preceding days, in their meetings with city residents and representatives of public groups as well as in their appearances over mass media, representatives of central authorities (Chairman of the Union Council of the USSR Supreme Soviet E. Primakov, Secretary of CPSU Central Committee A. Girenko and deputy department chief of the CPSU Central Committee V. Mikhailov) made assurances that central authorities had no intention to institute a state of emergency and curfews in the city of Baku. Based on these assurances and following their orders, the first secretary of the BK [Baku Committee?] of the Azerbaidzhan Communist Party and head of the department of the Central Committee of the Azerbaidzhan Communist Party made public assurances that curfews would not be instituted.

The subsequent course of events demonstrated that the time of the institution of a state of emergency and curfew had been deliberately kept secret from the people and all that was possible had been done so that these actions would catch the Baku residents by surprise. Deployment of troops began between 2100 and 2200 hours Jan. 19, from the transit points between the settlements of Turkian and Kala, and was accompanied by shooting passersby and vehicles that happened to be in their way. By 00 hours, Jan. 20, that is at the time the Decree of Jan. 19, 1990 went into force, nine people had already been killed by the troops.

At 00 hours on January 20, there began a massive deployment into the city from several directions; the troops of the Baku garrison moved out, other troops arrived from their temporary encampments, and military vessels began unloading landing parties.

According to collected materials, the deployment in Baku was accompanied by acts of violence on the part of the troops. According to witness accounts, particular cruelty was exhibited by the military reservists and by troops of Armenian nationality, who had been deployed in Baku.

Instead of using special means for removing the barricades and dispersing the picketers without inflicting civilian casualties, the troops used tear gas and simultaneously opened fire on the people with heavy automatic weapons. Military equipment was used to break through the barricades and through groups of picketers.

In most places, obstacles put up by the picketers were liquidated by the troops practically in the first minutes.

To give civilians the opportunity to escape from unceasing fire from the incoming troops, employees of electric stations had turned off the street lights in a number of places. But the troops, with the help of search lights installed on their military equipment, located and fired upon civilians who were fleeing or who had taken cover in various ways.

The military was observed executing the wounded, firing at passersby and at dwellings, stores, medical and other facilities. In several cases, tanks and other military vehicles crushed or opened fire upon moving as well as parked vehicles. Ambulances were not allowed to aid the wounded and were also

targets of shooting.

Many civilians were shot in their apartments, building entryways, buses and places of employment.

There were cases when the troops, walking down city streets, fired on residential buildings, passersby, moving and stopped vehicles and at persons walking out of their houses or apartment buildings.

Having blocked entrance to medical facilities with military equipment, troops demanded that injured soldiers be given priority treatment. Wounded civilians were thus prevented from being admitted to hospitals, while medical personnel was prevented from leaving the facilities in order to aid the wounded.

Citizens, including militia personnel in the line of duty, were indiscriminately detained and, according to their accounts, subjected to beatings, insults, humiliation, robbery and death threats. Violence was accompanied by unprintable cursing and anti-Azeri epithets.

Only at 7 in the morning, Jan. 20, did the military authorities announce the state of emergency and the curfew in Baku, starting at 2200 hours, Jan. 20.

By that time, troops had killed 82 persons and mortally wounded another 20, all of whom died in hospitals in the following days.

Thus, as a result of deploying military forces in the city of Baku during the night of Jan. 19-20, 102 civilians lost their lives. Another 21 people were killed after the announcement of emergency rule and curfew in the city of Baku on Jan. 20.

On Jan. 25 and 26, as a result of deployment of troops in the cities of Neftechala and Lenkoran, where a state of emergency was not instituted, troops killed eight civilians. Thus, altogether the unlawful deployment of troops claimed 131 lives in Baku and the regions of the republic.

In Baku, people manning the pickets accounted for 42 of the dead; all others killed by troops on that night were not involved in picketing. Nine of the victims arrived at picket sites after the troops broke through the barricades and were killed while aiding the wounded. Six were killed while transporting the wounded to medical facilities.

Another 17 were killed as the troops fired at cars and mass transportation vehicles in the areas removed from the sites where the troops were breaking through the pickets. Those people, not having been informed about the decision to deploy troops in the city, were traveling on personal business.

Five civilians were killed in their homes and apartments fired upon by the troops that night; 19 were killed in direct vicinity of their homes, as they, not knowing what was happening in the city, heard the sounds of shooting and went out onto the street.

The circumstances of death of five of those killed that night during the incursion of troops are yet to be determined by the Commission.

Of the 94 bodies examined, 82 had bullet wounds; in nine cases the wounds were inflicted by blunt objects; in two cases the wounds were inflicted by sharp objects. There was also one case of suffocation by means of a noose.

Of the 82 who sustained bullet wounds, 44 exhibited signs of bullet entry from behind and 38 were shot from the front.

Bullet wounds were located in the following manner: 29 cases of head wounds, 39 cases of upper body wounds, 4 cases of wounds to lower extremities and 10 cases of multiple wounds to a number of body sites.

In all nine cases of injuries by blunt objects, death was caused by the caterpillar tracks of military equipment, resulting in multiple bone fractures, limb severance, crushing of the head and internal organs. Thus, in one case, as a result of injury by the caterpillar tracks, a body was crushed to the point of turning into mush.

As a result, the Commission has been unable to identify two of the victims up to this time.

124 of the dead were men and seven were women. 70 of them had families and are survived by 159 orphans. Seven of those killed were minors.

According to social status, there were 78 laborers, 24 office workers, 12 students in institutions of higher learning, 2 trade school students; 4 school students; 3 pensioners and 16 temporarily unemployed.

By nationality, there were 117 Azeris, 6 Russians, three Jews and three Tatars.

Seven people were killed while in the line of duty on the night of Jan. 19. Five of them were employees of the internal affairs authorities and two were on ambulance crews.

During the investigation of bullet wounds on the bodies, forensic experts as well as doctors performing autopsies noted the particularly damaging effect of the bullets. Forensic experts noted that the bullets taken out of the bodies had not been seen in their practices previously.

Investigations conducted at the Azerbaidzhan Scientific Research Institute of Forensics have determined that the MZhV-13 bullets used by the troops in Baku have a displaced center of gravity, which allows them to change direction as they encounter obstacles. The breaking up of the jacket of the bullet and its separation from the core when the bullet hits the body greatly enhances the wounding capabilities.

As a result of the deployment of troops in the city of Baku and the regions of the republic, 744 people were wounded. Of these, 460 were examined by forensic experts in Baku, including 375 who were examined in accordance with a decree of the investigational group of the USSR Procuracy. The rest were examined upon request from the Commission or in accordance with their own requests.

The data on the wounded is incomplete since, according to Commission data, a number of the injured either did not turn to medical facilities in Baku or went to their places of residence in the regions of the republic. Most of the injured had bullet wounds.

According to the data submitted to the Commission by the Ministry of Social Welfare of the Azerbaidzhan SSR and the Azerbaidzhan Council of Trade Unions, 161 individuals, 21 of them women, became permanently disabled as a result of the wounds caused by actions of military personnel. Three became group I invalids; 73 became group II invalids; and 85 became group III invalids.

According to preliminary data obtained by the Commission in the first days following the deployment of troops in Baku, no information was available as to the whereabouts of 400 individuals. Subsequently, most of them were located. At this time, 5 people remain missing following the January events.

In pursuit of objectivity, completeness and comprehensiveness of the investigation, the Commission is attempting to examine the circumstances of deaths of the military personnel. However, all efforts to establish contact with military authorities in order to conduct this phase of the investigation have been fruitless.

Commission representatives were denied access to the wounded personnel, who were hastily evacuated from military hospitals.

The Commission attributes such actions to the established reports of firefights between military units, which were the result of uncoordinated actions by the military and resulted in a number of dead and wounded.

Despite its efforts, the Commission has been unable to verify reports of shooting at the troops by so-called "terrorists."

Immediately following troop deployment, the military command began a speedy evacuation of families of military personnel as well as the Russian speaking population of Baku to various regions of the USSR. This was done under the guise of personal security, allegedly to protect these people from attacks by "extremists." In reality, the Russian speaking population of Baku was in no danger during the tragic days of January or at any time subsequently. This is confirmed by the return of the majority of those who had left.

The Commission has recorded the destruction of and damage to 171 dwellings and 93 privately owned vehicles by troops. In 5 apartments, all property was destroyed as a result of fires caused by deployment of incendiary bullets. In two cases, apartment entry doors were destroyed with explosives. The property contained in those apartments as well as automobiles were destroyed or damaged as a result of grenade launchers, other fire and damage inflicted by military vehicles.

The damage to civilians in the cases examined by the Commission amounts to 331,000 rubles, of which 194,000 rubles accounts for damage to dwellings and the rest accounts for damage to vehicles. The Commission received 53 affidavits of loss in connection with the damage and destruction of 93 automobiles by military personnel. Thus, the extent of damage inflicted on civilians as a result of the troop deployment is still under investigation.

According to information obtained by the Commission, the aggregate damage inflicted on the state and on property as a result of troop deployment in Baku comes to around 5 million rubles. The amount remains inconclusive due to difficulties in obtaining complete damage information.

Between January and April 1990, the military subjected hundreds of citizens in Baku and the regions of the republic to administrative detention lasting up to 30 days. As of May 1, 1990, the number of those detained was at 841. Arrests and detentions continued after this date. Numerous detentions were conducted with disregard for official procedure.

Administrative detentions based on the Decree of Jan. 15, 1990, occurred in the regions of Azerbaidzhan where a state of emergency was not declared.

127 of those detained have been interned outside the republic. The great majority of those detained have been kept in prisons and pretrial detention facilities together with persons accused of criminal acts.

Prior to being transferred to pretrial detention facilities, the detained were held in unsuitable facilities and cellars, deprived of food, in some cases, also deprived of water, and without elementary conditions for maintaining personal hygiene.

In the majority of cases, official notices of detention were not sent to the detainees' families.

In the first days after the state of emergency was imposed, detentions were accompanied by beatings, torture, physical and verbal insults, robbery and murder threats. In two cases, citizens were killed following detention.

There were cases of detention carried out by unidentified special paramilitary units. It was such a group that carried out the detention and transfer to the military authorities of the employees of the power station of the Television and Radio Center. Following the detention, the power station was demolished with explosives. On Jan. 26, an analogous group attacked the Azerbaidzhan consulate in Moscow, detained E. Mamedov, a member of the Azerbaidzhan Popular Front leadership and transferred him to the USSR KGB. The KGB, having conducted a preliminary investigation in both of the above mentioned cases, said that it had not established either the identities of the people involved or their places of employment.

According to witness accounts, similar groups were active in Baku both during the January pogroms and during the deployment of troops in the city. Due to the confiscation of 150 [registration] cards of the members of a specialized unit that was stationed at the hotel Apsheron, the Commission was unable to identify them or use this information in its investigation.

The facts mentioned above confirm that in the course of deployment of troops and in subsequent days, the military command and the enlisted men, particularly the activated reservists, not only committed blatant violations of laws and regulations governing restoration of public order within the country, but also violated the provisions of a number of international human rights agreements.

The Commission plans to complete its work in the spring of 1991. Prior to that time, in order to get a complete picture of the events, it will be essential for the Commission to obtain all the coded cables and other communications sent from the Azerbaidzhan Communist Party Central Committee and the republic's

KGB and Ministry of Internal Affairs to appropriate central authorities as well as the return coded cables sent over the period of Dec. 25, 1989, through Jan. 25, 1990. It is also essential to obtain answers to all the inquiries sent to central, republic, party and state organs.

The absence of these materials stands in the way of conducting substantive questioning of the Soviet and Azerbaidzhan officials and completing the work of the Commission.