

**PAVEL GEVORKYAN**

**COURT TRIAL DIARY  
THE CASE OF THE CRIMES COMMITTED  
AGAINST THE ARMENIAN POPULATION IN  
SUMGAI, AZERBAIJAN**

Yerevan  
2013

Pavel Gevorkyan

Court Trial Diary

The case of the crimes committed against the Armenian population in Sumgait, Azerbaijan on February 27 – 29, 1988

October 18 – November 18, 1988, Moscow, Supreme Court of the USSR

“The Diary of the Trial on Crimes against the Armenian Population in Sumgait” is a major document whose significance in the context of the history of the Karabakh conflict is hard to overestimate. The impartial language of court sessions gives an objective account of the events unfolding in the Azeri town of Sumgait on February 27-29, 1988. The author of the “Diary” first published in Stepanakert (Nagorno-Karabakh Republic) in 1998, is a renowned Russian scientist, doctor of mathematics and physics, professor, and corresponding member of the Russian Academy of Natural Sciences, Pavel Gevorkyan who in 1985-1989 was a post-graduate student at Moscow State University. He participated in the sessions of the Supreme Court of the USSR as an interpreter.

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## FOREWORD TO THE SECOND EDITION

“All people need to know the truth about this massacre regardless of their national identity. They need it to prevent such atrocities elsewhere just as the files of the Nuremberg Trials are necessary for the mankind to deliver itself from the “brown plague,” wrote the author of this unique book Pavel Gevorkyan in the foreword to the first edition of this book in 1998.

15 years later, on the 25th anniversary of “sumgait”, “Information and Public Relation Center” at the Administration of the President of RA decided to reprint this unprecedented document and translate it into the English language. The truth about the treatment of the Armenian population in the Azeri town of Sumgait over the last three days of February 1988 shall, indeed, be known to all mankind.

It is crucial not only in the context of continuous efforts to wipe out the historical memory and falsification of the truth, supplanting it with cynical and blatant lies as Azerbaijan has been habitually doing it over the past decades. It is imperative not only in terms of revisiting the past whose eye witnesses live among us: those who survived the “sumgait” inferno, lost their loved ones and escaped by hairbreadth. It is extremely important, first of all, for the present and future so that the memory and consciousness of the contemporaries and forthcoming generations would preclude new “sumgait”.

No wonder, the best representatives of the Russian intelligentsia and progressive minds in Europe and America have time and again stated that if the truth about “sumgait” had been timely said, if the tragedy had been legally and duly qualified as the genocide of Armenians in Sumgait, if its plotters and all the perpetrators had been exposed and punished, then numerous following tragedies could have been avoided.

For this very reason, i.e. to reveal the actual dimensions and essence of Sumgait events and alert the humankind about the “brown plague” of racism and xenophobia propagated by the authorities of Azerbaijan and thus stop the attempts at new genocides in this region and worldwide, this book has been republished for the first time for the English-speaking reader.

For more materials please visit the following website [www.karabakhrecords.info](http://www.karabakhrecords.info)

## AUTHOR'S FOREWORD



It so happened that I was offered a translator's job for the above-mentioned trial. Getting acquainted with this diary, the reader will understand how difficult it was to be even present at the trial, listening to the blood-curdling details of sadistic killings, burnt and raped people murdered, burnt and raped only for the mere fact of being Armenian. These rather depressing feelings were exacerbated by the fact that the crimes that under the international Convention on Genocide must be classified as crimes against humanity at the trial were just classified as crimes committed out of "hooligan motives" which, in effect, repeated the opinion of investigation. It was furthermore hard to reproduce the entire

trial with stenographic accuracy suppressing the disheartening sense of rage, distress and resentment.

During the trial the necessity to keep and make this diary public was strengthened by the fact that the mass media, as a matter of fact, ignored the trial which was no wonder as after the genocidal act committed against the Armenian citizens in Sumgait, most Soviet periodicals tried to downplay the actual scale of the tragedy and to conceal the truth about the anti-Armenian pogroms and their organized nature from the Soviet and international community.

All the people, regardless of their national identity, need to know the truth about this atrocity. They need it, since this kind of atrocity shall never happen again anywhere, just as the humanity needs the records of the Nuremberg trial to deliver itself from fascism.

*Moscow,  
November 20, 1988*

## TUESDAY

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***October 18, 1988***

At 13:00, I was in the courtroom where the trial against the perpetrators of the Armenian massacre in Sumgait, Azerbaijan on February 27-29, 1988 was to start at 14:00. Here everybody commenced intensive preparations for the trial. However, the beginning of the trial was delayed for indefinite time.

At that time, people gathered at the entrance of the Supreme Court; they were mostly Armenians who wished to be present at the trial which was declared open to public. At 14:35, a group of about 60 young men entered the courtroom. They took seats evenly all around the courtroom. Who were these people? Why were they given unimpeded access to the courtroom? As for those who gathered at the entrance, as I learned later, they had to organize a rally and only thereafter they were admitted to the courtroom.

15:00. Everything was ready for the trial. The Judges entered the courtroom and the chairman opened the court hearings:

“The court hearings of the judiciary panel on criminal cases of the USSR Supreme Court are declared open. The court hears the case against A. I. Akhmedov, I. A. Ismailov, Ya. G. Jafarov. The court Chairman Brize is a member of the USSR Supreme Court. Smirnov and Kuznetsov are lay judges of the USSR Supreme Court, the secretaries of the trial are Godeev and Teobileva, the public prosecution is supported by the assistant of the USSR Prosecutor General, state counselor of Justice (3rd class), Kozlovsky, the defense of the accused is carried out by the advocates of Sumgait Law Offices Abdulayev, Sadykhova and Yashin. The interests of the victims are represented by the advocates of Law Offices of Orjonikizde district of Yerevan, Rshtuni and Shaposhnikova. Gevorkyan and Nadjabov are the translators....”

After the introductory words of the chairman and verification of the identity of the accused, the secretaries of the trial started to read the indictment\*.

The indictment on criminal case #18/60233:

1. Akhmedov Akhmed Imani ogly is charged with crimes under articles 72, 15, 94 paragraph 2, 94 paragraph 2, 6, 15, 94 paragraph 2, 4, 17, 94 paragraphs 2, 4, 6, 8 of the Criminal Code of the Azerbaijan SSR;
2. Ismailov Ilgham Azat ogly is charged with crimes under articles 72 and 94, paragraphs 2, 6 of the Criminal Code of the Azerbaijan SSR;
3. Jafarov Yavar Gias ogly is charged with crimes under articles 72, 94 paragraph 2, 6, 15, 94 paragraph 2, 4, 6, 17, 94 paragraphs. 2, 4, 6, 8, 94 paragraph 2, 4, 6, 8 of the Criminal Code of the Azerbaijan SSR.

....On February 29, 1988 A. I. Akhmedov left his workplace at 14:00 without per-

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\* The indictment fully read at the trial was 100 pages long. Here I quote some extracts from it. (The full text can be found on this website: [www.karabakhrecords.info](http://www.karabakhrecords.info))

mission and at about 16:00 participated in the spontaneous public rally in the district of Sumgait bus station. With the help of the megaphone, he started to encourage the gathered people to start reprisals against the citizens of Armenian origin. Consolidating a large group of thugs A. I. Akhmedov led the group to district 41A of the town at about 17:00. With the help of the megaphone, holding an ax in another hand, he directed the actions of the thugs for three hours, he demanded from the inhabitants of apartment buildings to show the apartments where Armenians lived, called for pogroms and destruction of property in their apartments, called for carnage and murder.

The group of hooligans led by Akhmedov including Jafarov and Ismailov and unidentified persons armed with knives, axes, metallic pipes, reinforcement bars, stones and other objects, broke into the apartments where the citizens of Armenian origin lived, smashed doors, furniture, other household items, shattered dishes and window-panes, burnt and looted property, causing enormous material damage to each family exposed to pogroms.

As a result of the acts committed by the group organized by A. I. Akhmedov in district 41A, 17 Armenian apartments were destroyed.

...At about 17:00, the group of hooligans met A. A. Babayan at the checkpoint of the dairy factory and started to beat him. Seeing this, A. I. Akhmedov approached Babayan and with the aim of willful murder, out of hooligan motives, raised his ax intending to strike a blow on his head. However, he wasn't able to realize the intention of murdering him for reasons not depending on his will and desire, since an armored personal carrier (APC) approached the checkpoint of the dairy factory. APCs were deployed in the town because of mass riots. Babayan availed himself of the commotion and ran away from A. I. Akhmedov and hid himself in the territory of the dairy factory. A. I. Akhmedov and the hooligans fled for fear of arrest.

Continuing their criminal acts, A. I. Akhmedov returned from the dairy factory to district 41A, apartment building 5A, where Ya. G. Jafarov and I. A. Ismailov and the group of thugs unidentified by the investigation had already arrived. At that time, some members of the group, including Jafarov and Ismailov, brought out A. L. Arakelyan from the building entrance with the intention of murdering him, knocked him down and in front of the block dwellers and started to batter him. Akhmedov, who came later, joined Jafarov and Ismailov, and the others, and started battering Arakelyan. When beating of the victim, A. I. Akhmedov with the purpose of murder out of hooligan motives, struck the victim's back with a meat chopper. Ya. G. Jafarov and I. A. Ismailov struck him by axes with the same intention on the head and other parts of the body. As a result of joint acts, Arakelyan's cranial vault, skull base and 5 -10 right-sided sternal ribs were fractured and a lung was ruptured, of which he immediately died. After committing the murder, the hooligans maliciously burnt Arakelyan's corpse.

After willfully murdering Arakelyan together with A. I. Akhmedov and I. A. Ismailov, Ya. G. Jafarov ran and joined another gang of hooligans, who nearby (at House 5A,) tore off A. T. Arakelyan's clothes in front of a large crowd, striking blows on her

head and other parts of the body. With the intention of willful murder of A. T. Arakelyan driven by hooligan motives, they mauled her striking her on her head and other parts of the body. He stabbed her in different parts of the body with his knife. As a result of joint actions of Jafarov and the others, A. T. Arakelyan had closed craniocerebral injury, traumatic perforation of the tympanic membrane of the left ear, stab-incised wounds of the right shoulder, right shin, left hip and right buttock. Supposing that A. T. Arakelyan died of the injuries, since she seemed lifeless, the perpetrators covered her with a rug, poured a flammable liquid and ignited it. As a result, A. T. Arakelyan got 2nd-3rd degree thermal burns of shoulders and back.

However, the intention of murdering A. T. Arakelyan was not fulfilled, regardless the willingness and desire of the criminal group.

At about 18:00, A. I. Akhmedov led a large group of thugs to House 2B. Speaking through the megaphone to the crowd, A. I. Akhmedov repeatedly called on them to kill the citizens of Armenian origin. The group of hooligans headed by Akhmedov, including Jafarov and the others, smashed the door of apartment 21 in the mentioned house with axes, where the Melkumyans dwelled. Sogomon Melkumyan, his wife Raisa Melkumyan and their adult offspring Eduard Melkumyan, Irina Melkumyan and Igor Melkumyan who were in the apartment at that time (as well as Misha Ambartsumyan and his daughter Marina Ambartsumyan who were hiding in the apartment for fear of violence) were brought out of the apartment outdoors with the intention of willful murder. Freeing themselves from the hands of the thugs, Igor Melkumyan, Eduard Melkumyan and Irina Melkumyan, trying to escape, hid themselves in Apt. 19 of house 2B. With the purpose of expulsion from the apartment, Akhmedov and several persons, including Jafarov, armed with axes, broke into Apt. 19. Demanding to open the front door, Akhmedov hit the door several times with his axe. Having discovered Igor, Eduard and Irina Melkumyans, Akhmedov pushed them out of the apartment, and then with the intention of willful murder of these citizens, brought them outdoors.

Near house 2B, in front of many dwellers, the group of thugs organized by Akhmedov united by common intentions and motives, armed with axes, knives, metallic pipes, re-bars and other items, understanding the brutal nature of their actions and causing extreme suffering to the victims, started battering the members of the Melkumyan and Ambartsumyan families, striking multiple blows on the heads and other vital parts of their bodies, causing the following injuries:

**Melkumyan, Sogomon:** open craniocerebral injury, multiple contused wounds of head tissues with hemorrhages around it, comminuted fracture of the vault of skull on the left with the injured temporal and parietal bone and middle cranial fossa. Dura mater laceration in the area of fracture, hemorrhage under dura mater, penetrating into the medulla and ventricles of the brain, multiple rib fractures.

**Melkumyan, Raisa:** multiple chopped wounds of the parietal-occipital part of the head, a kerf in the parietal bone, multiple abrasions and bruises of the body, closed fracture of the right rib, a lacerated wound of the upper part of the rectum penetrating

into the abdomen with the damage of iliac vessels with extensive hemorrhage.

**Melkumyan, Igor:** a wound in the occipital area of the head, hemorrhage under pia mater, burn shock.

**Melkumyan, Irina:** open brain injury, three chopped wounds in the parietal-occipital part of the head, fracture of the cranial vault, chopped body wounds.

**Ambartsumyan, Misha:** open brain injury with depressed fracture of bones, laceration of dura mater with the hemorrhage under pia mater and brain ventricles and injury of left temporal lobe of the brain, a wound on dorsal surface of the right hand.

The mentioned victims immediately died of the inflicted injuries. The corpses of Igor Melkumyan, Sogomon Melkumyan, Irina Melkumyan and M. A. Ambartsumyan were incinerated.

Ya. G. Jafarov who actively participated in it, at the end of house 5V, with the intention of willful murder driven by hooligan motives, struck blows with his axe on the head of Eduard Melkumyan, who was later thrown by other persons into the nearby fire.

As a result of Ya. G. Jafarov's and other persons' actions, **Eduard Melkumyan** got two chopped wounds and one contused wound of the head, accompanied by linear and perforated fractures of the vault of the skull and skull base, with a contusion of the brain and bleeding into the ventricles of the brain, extensive body burns with charring of skin and soft tissues, of which he died.

...Witness K. G. Alimetov testified that on February 29, 1988, at 17: 00, being in his apartment (address: house 5V, district 41A, Apt. 27), he saw the pogroms of apartments in the nearby building. He saw household things burnt and thrown out from the apartments on the second and third floors. Beside the transformer booth, a man was covered with different items and ignited. There was another fire burning next to his house. There was a large group of teenagers in the street. Somebody cried through the megaphone: "Long live Azerbaijan!". They asked about the whereabouts of Armenians.

A. A. Babayan (victim) spoke about the attempts at his life; he testified:

"On Lermontov Street, 50 meters from the check point, at the fence of the dairy factory a group of young people caught me. There were about 20 people, they surrounded me. They were about 20 years old each. They had pipes, stones and little axes. They made me pronounce the word "findikh" which literally means "nut" in the Azeri language, the Armenians say "pindikh", not being able to articulate "F". I pronounced this word several times, then they started making me take off my trousers, to show them my penis. I started telling them, that I am an old man and they should be ashamed of such misbehavior..."

...During the interrogation and confrontation with I. A. Ismailov, accused Akhmedov repeatedly exposed him as the willful murderer of A. L. Arakelyan, he particularly explained the following:

"...Earlier I stated that I was at house 5A, district 41A, Sumgait (February 29, 1988) when a man of Armenian origin was being killed there. In particular, I stated that my



neighbor Ilgam Ismailov whom I know well, participated in the murder of the Armenian man, and I also know Yavar Jafarov who was with him that day. Today I want to honestly confess that I also participated in the murder of the Armenian man. When on February 29, 1988 from House 4V, I saw that the thugs gathered at the extreme left entrance (if you face the entrances). I approached the crowd. There were about 30 people. They cried out that Armenians were found in this house. Approaching, I turned on the siren of the megaphone and went into the entrance with the intention of going upstairs to the apartment. When I entered the building, I saw a man going downstairs to the exit. His face was bleeding. Some ten young men were going downstairs, chasing him. I let them all go and came out of the building. When the man was brought out he walked along the pathway of the entrance and he was knocked down by kicks, after which he was beaten. My neighbor in this district, Ilgam Ismailov was the first to approach him he was right there, next to him. He struck him with his axe on the back. I didn't notice where exactly he was struck. After Ismailov, the man was hit by me too with the meat chopper. When striking the blow, I was standing over the lying man. After me, Ilgam Ismailov hit the man again with an axe. He hit him in the spine area, approximately in the middle of the spine. Then Yavar Jafarov hit the Armenian man with an axe. After the first blow by Ilgam Ismailov the man was still alive, he could move his body. When I struck him he could still move. Then when Ilgham Ismalov made another blow on the spine, the Armenian man stopped moving. As far as I remember, Ilgam Ismailov struck him twice with the axe; Jafar and I made one strike each..."

Ya. G. Jafarov (one of the perpetrators of this crime) was interrogated as the one charged with willful murder of A. L. Arakelyan. He denied the intention to murder the victim and gave the following testimony:

"...With a group of fellows, I approached the first entrance of house 5A. Someone said that Armenians lived there and about 20 people entered the building. I didn't enter and stood at the entrance. In 5-6 minutes a man was brought out of the building by the thugs, beating him at the same time... The man looked about 40-50. He wore a white-red checkered shirt, unbuttoned. When this man was brought out of the entrance, I was standing on the left of the entrance and when the man walked nearby, I struck him with my axe on the left forearm. I held the axe so that I could strike him with the axe blade but when I struck him, I didn't see what side of the axe I hit him with..."

Ya. G. Jafarov explained the motives for striking A. L. Arakelyan as follows: "Everybody beat him, so did I."

...Ya. G. Jafarov's statement about the absence of the intent to murder A. L. Arakelyan was refuted by A. I. Akhmedov's testimony who stated that he saw Jafarov striking Arakelyan with the axe when the victim was already lying on the ground. Akhmedov completely confirmed his testimony at the confrontation with Jafarov.

Witness E. B. Veliev also testified that Jafarov, with whom he went to college, at house 5A in district 41A twice stuck the man brought out from the house with the axe.

E. B. Veliev confirmed his testimony at the confrontation with Ya. G. Jafarov, where he particularly stated:

“...Jafarov was among the men who brought out the man from the Russian woman’s apartment. The crowd took him downstairs into the street and I saw Jafarov striking the man twice with the axe. He first struck him on the back of the head, the second time he struck him on the left part of the head, if you look from behind...”

...Witness D. S. Zarbaliev testified that on February 29, 1988 the crowd approached house 5A and a group of men entered the first entrance. They started throwing out the household things from windows on the third floor. In 10 minutes the men pushed out a man from the entrance; he was about 50. Some 15-20 people surrounded him and started striking him with axes, knives and wooden sticks. The man was struck on the body and head. One of these thugs brought a burning mattress and covered the man; they threw some other things over the man.

Witness R. G Teyubova testified during investigation that on February 29, 1988, she saw a man and a woman being brought out of house 5A. Some thug hit the man from behind on the head with a metallic pipe; the man fell down, then the crowd surrounded him and started to beat the man. The woman was also assaulted nearby. She was battered, as it seemed, with reinforcement bars. Then one of them was covered with a mattress and ignited. When these people were being battered, the thug with the megaphone was in the crowd.

...Witness V. B. Dobzhanskaya testified that on February 29, 1988, at the beginning of 18:00, she was in the yard of house 4A, district 41A. She saw there were pogroms in the apartments of Armenians. The crowd of thugs pushed a man and a woman out of the first entrance of house 5A. Then she testified:

“...They were beating them with legs and sticks... Then I saw an axe abruptly raised over the beaten man, the blade was rounded. The man probably was asking for mercy and raised his hand. But after the strike with the axe the man fell down and never got to his feet. I didn’t manage to notice who was holding the axe. The woman was battered severely until she lay motionless on the ground. She was covered with a smoking cloth...”

Witness A. N. Minosyants testified that on February 29, 1988 she was in her apartment in house 5A, district 41A. At about 17:00, she saw a large crowd of about 100 people entering the district. She went to the street and saw things being thrown out of the Zakharyans apartment who lived in house 4V. Then this crowd, including a group of teenagers about 15-16 years old, approached house 5A, the entrance where she lived. Someone said that Armenians lived on the 3rd floor and the thugs entered the building. She walked to the other side of the house where she saw Arakelyan’s son, Arsen, and told him to leave, otherwise he would be killed. When Arsen fled, the group returned to the entrance and she saw Artash Arakelyan lying in front of the entrance. He was still alive, he was bleeding around the right temple.

“...At that moment I saw somebody raising an axe over Arakelyan’s head, and turned away,” A. N. Minosyants explained, and when I looked at him again, he was

already burning. He was burning all over. Some thug threw a cloth into the fire and rushed away... The crowd at that time was on the other side..."

A. T. Arakelyan (victim) specified the following about the attempts at her life:

"...When the pogroms started, my husband and me hid ourselves in the bedroom of Kozubenko's apartment. The crowd broke into the apartment, I shielded my husband, as I thought that they would seize only my husband, and I as a woman won't be touched. But I was immediately struck with a piece of iron and taken outdoors. I don't remember anything further on. I don't remember how my husband was being taken out. Outside, I was battered with some sharp objects and wounded me in several spots. I was hit on the abdomen twice, then I was burnt, they approached me to make sure I was alive or dead. I tried not to move and, stood the pain of the fire on my back..."

...Witness Zarbaliyev testified that within 5 minutes after the man was killed in front of house 5A, a woman was taken outdoors from the same entrance (this man's wife). She was also battered, but he did not see how, as the crowd surrounded her, and when the crowd dispersed, the woman was lying on the ground motionless. Some thug covered this woman with different items, and started shouting that he needed gasoline.

Witness A. N. Minosyants said:

"...I didn't see how Arakelyan's wife Asya was taken out of the house, but I saw through the crowd surrounding her that she was being battered with an axe, as the axe flashed overhead; she was battered not for a long time. Soon the crowd dispersed."

Witness M. Mamedov who saw the actions of A. I. Akhmedov and the hooligan groups, in particular, testified:

"...The crowd took out 5 Armenians from the 3rd or 4th entrance of house 2B. Three men and two women. Two men immediately freed themselves from of the crowd, and at once ran towards the trolleybus depot. The men were of average age. The first one was large and fat, dressed either in a jacket or in fur coat. The second one was shorter and skinny, dressed in a light blue suit. A crowd of some 20-30 people chased them. In front of the entrance of the house, there was one young man left. He had a hard hat on his head, either used in construction or a motorbike helmet, and there were two women with him, one was young, the other one was of middle-aged. The young man and the young woman ran into the first entrance of the house. A part of the crowd ran into the entrance, chasing the young man and the girl. The man and the girl were taken out. They were holding each other but they were separated. I paid more attention to the girl who was being battered next to the shoe-repair booth. I was standing at the corner of house 2B. I saw some young thug beating the girl with a shovel, not with the edge, but with the flat part of it. She was also battered and tortured by batons. I don't know anyone who was battering the girl. The girl was undressed and thrown into boxes and she was covered with some other boxes on top. The girl removed the boxes and shouted. A young man of about 20-22 approached her. This young man brought with him a white kettle covered with small flowers; the kettle was

full of gasoline. The young man poured gasoline from the kettle and ignited her.

Witness Matanat Melikova from apartment 19, house 2B, testified that on February 29, 1988 in the afternoon when she was approaching her house in district 41A, she heard noises and saw belongings thrown from balconies in houses 4B and 4V. Entering the house, she immediately went to the balcony and saw a thug in the crowd with a megaphone crying: "Our sisters and mothers are being killed in Armenia, that's why we must kill them here!" She averted her gaze and entered the apartment. While in the apartment, she heard noises on the staircase. Looking out of her apartment, she saw three women coming upstairs to the 5th floor with 2 or 3 little children. They knocked at the neighbor's (Niyazali) door and entered that apartment. After about an hour she was knocking at her apartment door. When she opened the door, two men and one girl quickly hopped into the apartment. There were some ten people chasing them from downstairs. She noticed that two of the chasers had axes. They shut the door but couldn't lock it. The two men tried to block the door while the thugs were trying to break in from the staircase. One of the men said that his mother and father had been killed. The attackers started hitting the doors with axes. The doors flung open and three thugs entered the apartment, two of them had axes. In front of the apartment, she noticed a fellow, about 160 cm tall, who was wearing a military helmet; he didn't enter the apartment. The thugs took out the two Armenian brothers and led downstairs. The girl was trying to hide in the toilet and wasn't spotted at first. A few minutes later, three thugs entered the apartment again and one of them, dressed in a suit, found the girl in the toilet, and they took her out of the apartment. In about ten minutes, two thugs entered the apartment again. One of them said: "Sorry for disturbing you. Our mothers and sisters were killed there, that's why we killed Armenians." And he showed his hands, but she didn't look at them.

Witness Azir Melikov gave similar testimony. In addition he stated that among those who brought out Edik and Igor was the guy with the megaphone. It was him who came later to apologize and said that they killed the Armenians. While saying so he showed his hands and said that the blood of those Armenians was on his hands.

During the verification of A. I. Akhmedov's testimony, the accused man led the participants of the investigative experiment to apartment 19, house 2B, where the Melikovs lived. A. I. Akhmedov said that he and the others took out the hiding girl and the other two Armenians from this particular apartment. During the investigative experiment, Azir Melikov came out of his apartment and said that he identified A. I. Akhmedov as the man with the megaphone, who was coming out of the apartment of Igor, Edik and Irina Melkumyans on February 29, 1988, who were later killed.

At the confrontation with accused A. I. Akhmedov, Azir Melikov confirmed his testimony.

Ms S. A. Mirzoyeva questioned as a witness, stated in her testimony, that on February 29, 1988, during the pogrom in district 41A, the group of thugs started shattering windowpanes in the apartment, located on the 2nd floor of house A5, then they threw out household belongings from windows and burnt them. At the same time, the group

of hooligans threw stones at the windows of Melkumyan's neighbors, living in apartment 21 on the same floor, but in the neighboring entrance. Soon, they heard noises in Melkumyan's apartment and heard something falling. Then Karine Melkumyan with her three-year old son Sergey and 5-year old Kristina, and Irina Melkumyan with her three-year old daughter and a woman named Jasmine, climbed from Melkumyan's apartment into their balcony. The women were terrified and asked to hide them. Leaving them in the apartment, she went to the balcony which overlooks the yard and saw Sogomon Melkumyan, Raisa, Ira, Igor and Edik and their relative Misha being brought out from their apartment. The thugs divided into groups and started assaulting and battering them right outdoors. They used metallic pipes and reinforcement bars. Edik was beaten in front of house 5V, Ira was dragged to the transformer booth. Raisa also was beaten in the yard. Then, she saw Edik's and Ira's corpses poured with something and burnt. Misha, Sogomon and Igor Melkumyans, after being taken out, tried to escape, but the thugs chased them.

...I. G. Aliev charged with another criminal offence related to the mass riots testified that at about 17:00, on February 29, 1988, he came to district 41A in his official car and parked it near the block of flats. Entering the area, he saw crowds of young thugs age 15-25. Many of them were holding knives and axes. Many fires were burning in the yard. There was also a fire burning in front of the house where he was standing and he saw human legs in the fire. The thugs were throwing out belongings right into the fire from many apartments and burning them. Then I. G. Aliev stated:

"...At that time, I saw a guy walking with a megaphone in the yards. I recognized Akhmed Akhmedov. I know him well as I worked with him at the Aluminum factory where he worked as a turner. He also knows me well. Akhmedov was dressed in a dark grey suit... Akhmedov cried into the megaphone that many Azeris were killed in Armenia that's why we must also kill Armenians... Thus, I understood that all the young fellows, all those who made pogroms in the apartments, obeyed Akhmedov, since after his words everybody started throwing stones at the windows of the apartments.

...An inhabitant of district 41A, witness D. S. Zarbaliev stated that on February 29, 1988 at about 19:00 he went out to the street. Describing the situation, the witness testified:

"...I passed by a woman on the ground (Artur's mother). I thought she was dead. Then I passed by the Cooperative House (house 5V), went to house 2B. I saw a fire at the electrical substation, from the other side, overlooking Sinev Street, a man's corpse was in that fire. I could see human legs in male shoes in the fire. The fire was burning at house 5V too, but I didn't look in that direction. I saw a woman of about 50 on her abdomen, between the entrance №3 and the entrance of the shop, there was a metallic skewer in her buttock..."

I. M. Kerimov, charged with other crimes related to mass riots, stated that on February 29, 1988, he was in district 41A, Sumgait, and saw the pogroms in the apartments of Armenian citizens in house 5V and house 2B. He saw a guy with a megaphone in the crowd in front of house 2B. The guy called for killing Armenians, be-

heading them and fetching their heads to the Committee of the Communist Party of Sumgait. A thug went out of the building and said there were Armenians in one apartment, but they wouldn't open the door. On hearing this, the thug with the megaphone said: "What are you waiting for?" And entered the building. He followed them. The crowd, which was inside parted and let the guy with the megaphone climb to the second floor. He approached the door on the left. He looked through the gap cut in the door and said to those who were in the apartment to come out, using dirty words. Since the door was not opened, the megaphone holder asked for an axe. Yavar Jafarov who was also there handed an axe to the guy through other guys standing in front. The crowd got thicker. Pounding at the door could be heard, but he couldn't see what tool was used for that.

Then I. M. Kerimov testified:

"...The thug with the megaphone came out of the third entrance when a man and a girl were taken out. At that time the girl was already separated from the man, and the man was knocked down. The man with the megaphone, approached the man and said: "Son of a bitch, you want to run away?" And he kicked him on the back from top down. The man fell down after this blow. He then tried to rise to his feet, but Yavar approached him... and struck him, as it seemed to me, on the back of his head."

Hasan Mamedov, charged with other crimes related to mass riots, stated that on February 29 he was in district 41A. He saw belongings thrown out of apartments on the 3rd floor of house 1A. When he approached house 5B, he again saw the man with the megaphone. Turning to the dwellers of this house, he asked to show him where the Armenians lived since Armenians allegedly killed Azeris in Armenia, and they needed to be revenged for this. The young man with the megaphone said that nothing should be taken from the Armenian apartments, and all the things should be thrown into the fire. Further, he saw the young man with the megaphone in front of house №2B. At that moment an elderly man was taken out of the building (second or third entrance) and tortured. He was kicked and knocked down. After the beating the man lay on the ground for some time and then rose to his feet and screamed and ran to the passageway between house №2B and house 3. A group of thugs was chasing him. After a while, he heard a scream and saw that a stout elderly woman was mauled in front of house 2B. He approached that place. About ten people gathered around the woman, mauling her with sticks and kicking her. The woman had no dress on. She fell down at the entrance because of the kicks and leaned to the stairs. While the woman was being mauled, she tried to crawl to the entrance. But somebody kicked her and she rolled down the stairs to the asphalt. Then he saw a middle-aged man taken out from the first or third entrance of house 2B and mauled. They were beating him mostly from behind. The man covered his head with his hands and tried to defend himself from the assailants. The crowd tried to press the man to the end of House 5V, where things thrown out from apartments were burning. The man was mauled with metallic pipes and with an axe. Then the beaten man fell down. Two men approached him, picked him up by the legs and threw him into the fire. His body was in the fire, whereas his

legs were out of it, he was still alive, trying to escape the fire, but an unknown man pushed him into the fire with a reinforcement bar and didn't let him get out.

Witness S. I. Yenikeev stated that on February 29, 1988, from the window of his apartment in house 2B, district 41A, at about 18:00 he saw a stout grey-haired man (45-50 years old) running out of the passageway between house 2B and house 3. About 20-25 thugs were chasing him and throwing stones at him, hitting his head and back. The man's head was bleeding. The man ran to the shop located in house 2B and stopped at the shop. He had a piece of pipe with which he tried to defend himself retreating in the direction of the pharmacy. He was finally knocked down there, and they started mauling him. He saw the man being kicked. Someone beat him with an entrenching shovel, sticks and pipes. Then this man was covered with cloth, gasoline was brought and he was burnt.

After a while, on his balcony overlooking the street, he saw a girl in a dressing gown being dragged out of the house from the third entrance, and she was taken to the nearby electrical substation, where she was knocked down and beaten. He didn't see what tools they used for mauling. Then the crowd went away from her, and he saw that the girl was already naked, she got to her feet but was again attacked. After the second attack, the girl was on the ground, she was covered with something, and soon she tried to get to her feet again. A man approached her; a tall man in a dark raincoat in a winter fur hat and hit her on her head with a stick or pipe. Then the girl was burnt. At about the same time he saw a young man lying between the second and third entrances of house 2B. Two men dragged the lying young man to the fire at the end of House 5V and threw him into it. Then teenagers came up and pushed the man into the fire with sticks.

Witness V. B. Dobzhanskaya testified that on February 29, she was at house 4A and saw the pogroms in the apartments of house 2B.

"...At house 2B, I saw a naked woman being pushed outside and they started mauling her," said V. B. Dobzhanskaya. At first she was knocked down the stairs to the ground. The woman squatted and pulled herself together. The young men ran away to the cooperative house, but later they came back and again started mauling the woman. She was beaten with sticks and kicked.

...Witness M. S. Allakhverdieva testified that on February 29, 1988, at about 18:00, the crowd led by a young man with a megaphone came to the cooperative house 5V where they made pogroms in the apartment on the second floor. After that, the large group approached house 2B, and she saw young men entering the third or fourth entrances. She left the yard when she heard someone screaming. Turning back, she saw two men, a young and elderly. The elderly man ran away from the yard, but he was soon caught and hit several times with small shovels. Here the man got up to his feet; he had a metallic rod in his hand, he was wielding it, not allowing the young thugs to approach him. But he was eventually knocked down. Somebody poured gasoline on the man, threw a match, and the man started to burn.

Following the old man, a young man ran out of the yard, he was being chased too.

Then this young man stopped, opened his jacket and said to the chasers: "Do whatever you want, kill me!" Someone hit him, and he fell down; after that, several men dragged him to the fence of the trolleybus depot. Witness Allakhverieva couldn't look any longer and went home.

Witness V. M. Airapetyan stated in his testimony that on February 29, 1988 (in the evening) he was in his apartment; he heard loud screams from the street. He saw a crowd of about 80 people in the street from his apartment. A young man of average height with short hair in a grey suit appealed to the crowd. Using the megaphone, the young man spoke in the Azeri language: "Azeri people, if you are true Muslims, show us where the Armenians live. I must take revenge upon them because they showed me a knife with the blood of our mothers and sisters. If you show me, I will show the blood of Armenians on my knife!" With these words he raised his hand holding a huge kitchen knife, about 25 cm long. About half of those around him also raised their knives, screaming threats and dirty words against Armenians. Then everybody went to house 2B and made pogroms in the apartment on the fourth floor, where an Armenian family lived. Thereafter, two men were taken out from another entrance of the same house by the thugs. One of the men was young and the other one old. They were Armenians. The young man tried to escape but he was caught and beaten. The old man was beaten right at the entrance; he was struck on his head, later he was struck by the handle of the shovel, someone ran and jumped on his head.

Witness A. I. Arkhipov stated that on February 29, after returning from work, he saw a crowd in district 41A in front of house 5A. Being in the apartment, he heard loud screams from the street. From the balcony, he saw that a young man was speaking through the megaphone; he was about 20, dressed in a grey jacket or a coat. He didn't understand what the young man said since he didn't know the Azeri language. He saw a large crowd making a pogrom in an apartment in house 5V, then on the second floor of house 2B. He saw from his balcony overlooking Sinev Street a man running through the passageway between houses 2B and 3; he first ran to the vegetable stand, then to the shop. A group of thugs were chasing him. They caught him at house 2B; one of the thugs struck him with a big stone on his head, and the man fell down. The other one struck several times on the head with a shovel which looked like an entrenchment shovel. Then the unconscious man was covered with cardboard boxes and burnt.

I. N. Byakova, one of the witnesses of the execution organized in district 41A on February 29, 1988 by A. I. Akhmedov and his thugs, stated the following:

"At 19:00 a man ran out of the passageway between house 2B and house 3. He was wearing a sheepskin coat. About 8-10 people chased him. These were mostly young men. Running... along Sinev Street, the man stopped and turned back to the attackers. He opened his coat and said something. The one with the banner bent it down, most probably, he wanted to strike him, but didn't manage to do so. Another young man did it. He jumped and struck the man in the sheepskin coat in his abdomen. The man shielded himself with the coat, when he fell down and was kicked by 5-6 people.



Yet the man got up to his feet and ran to the fence of the trolleybus depot. But he was only able to run 5-6 meters. He was again beaten and fell down...

One of those who was beating him took a large light-colored brick or a stone and started striking the man; he struck 4 times. Nothing was seen behind the bushes, where exactly he was striking. I went away from the window, when I came back, I saw that the man was burning. The flame was strong. In about 15-20 minutes, I saw 8-10 men run out of the passage between house 2B and house 3. The chased man stopped and turned back to them. He said something. There was a man with a banner among the assailants. None of the attackers beat the man who was trying to escape. I didn't see who poured gasoline on him, but suddenly the upper part of the man's body caught fire. He immediately fell on the ground and started rolling. Most probably he wanted to extinguish the flame but after some time he lay still."

Witness Z. N. Abiev ...saw through the window of his apartment some 10-15 people mauling a man on the lawn on Sinev Street. Then gasoline was poured on this man and ignited.

Witness Z. S. Salamov, an eye-witness of the carnage committed by the thugs headed by I. A. Akhmedov stated the following:

"...I saw that in front of entrance 3 of house 2B, where the Armenians lived, a woman was being beaten... I knew that she was Armenian and her two sons lived in the house... From entrance number 3, a man of about 30 was brought out.. He was struck, then taken to the nearest end of house 5V and beaten. After this, a young man of about 25-28 approached the man who was already on the ground and put a burning cloth on his chest, the man jumped up from the ground, screamed and ran to house 2B. I never saw the man again. Then I saw Irina being taken out of house 2B, from the second entrance. I knew her. She worked at the drugstore, in our building. The crowd took her to the transformer booth. I couldn't see what they were doing to her. When the crowd dispersed, I saw that she was lying naked on the ground, and she was being beaten with a shovel on her back by a teenager of about 14-15. He struck her on the back successively about 5-6 times. Irina got to her feet, waved her hands, as if trying to defend herself. She was hit again, but somebody else hit her. I don't remember who exactly. Irina again fell down. I also saw. When Irina was taken out of entrance 2, her brother followed her from the same entrance (he works as a taxi driver), but he was struck and taken back into the building... Soon my father called me and I went home... I don't know what time it was... But it was already getting dark. When I approached the entrance, I saw that Irina was dead. I thought so, because she was motionless. Her eyes were open and covered with blood. She was in a sitting position. Her back was pressed to a bedside chest, which was burning. There was nobody around Irina any more..."

...Witness A. P. Piriev spoke about the circumstances of mass riots of which he was aware on February 29 in district 41A.

"When I left the entrance and headed for the transformer, I saw a corpse of a naked woman on the sidewalk between the entrance to my house and the door of

the shop opening into the yard. She was face down with her head towards the shop door. This was the corpse of Sergey Melkumyan's wife. When I went to see the electrician and we came home together, a young man in a light grey suit spoke through the megaphone... This young man screamed: "Azeri women, don't look, they are doing the same to our sisters and mothers that's why we are revenging them for this. Long live Azerbaijan! Karabakh belongs to us, we are not going to give it to the Armenians."

Adding to the above testimony by A. P. Piriev witness Yu. P. Ryzhkov said:

"A naked woman lay between the transformer booth and house 5V. There was a crowd of teenagers (about 30 people) around her. I saw several men lifting her legs and an unknown young thug poked into the woman's perineum with a shovel. He poked exactly with the blade. At that time, there was some sort of howling in the crowd. I turned my head towards house 2B and saw that there was a naked woman lying at the staircase leading to the third entrance... she was lying on her abdomen, trying to pull over the lowered pants with her hands. At that time, a teenager of about 14 was striking the woman on her head with some iron object. The second teenager struck the woman's body with a metallic object... The woman screamed after each blow..."

...As a result of the criminal acts committed by Akhmedov Akhmed Imani oglu who organized the murders of Armenians in district 41A and the killers, Sogomon Melkumyan, Raisa Melkumyan, Irina Melkumyan, Igor Melkumyan, Eduard Melkumyan, and Misha Ambartsumyan were murdered.

*The forensic investigation of the corpse of S. M. Melkumyan* revealed the following:

S. M. Melkumyan's corpse was extremely charred at the time of examination; the following injuries were revealed: 13 injuries in the parietal-occipital and right temple regions of the head, internal injury at the end of the left eyebrow, external injury at the corner of the left superciliary arch, numerous abrasions on both frontal corners, both cheeks and the nose. A bruise around the right eye, pressed splintered fracture of the left parietal bone, with the lines passing to the skull base; crushing of left parietal and temple regions, effusion of blood into the shells, ventricles and brain matter, fractured ribs from 6 to 9 to the left into the middle armpit line, and ribs 7, 8 and 9 on the scapular line.

The above mentioned injuries originated shortly before the death caused by blunt objects and the charring of the corpse was caused by flame after death.

Sogomon Melkumyan's death was caused by crushing of the left parietal and temporal regions of the brain with hemorrhages under the matter and ventricles of the brain, with the presence of numerous contused injuries of the head, accompanied with the fractures of skull bones, as a result of a blunt injury of the head.

*The forensic examination of Raisa Melkumyan's corpse* revealed the following injuries: six chopped wounds of parietal-occipital region of head, linear fracture of the parietal bone (a kerf); abrasion of in upper region of the left shoulder joint, on the level of the left scapula, at the external edge of the scapula, right lumbar region, in the region of right buttock, on the back outer surface of the upper third section of the right hip, on the back surface of the left elbow joint, on the surface in the middle

of the left shoulder, on the back surface of the left elbow joint, in the right inguinal region, on the frontal–internal surface of the third upper section of the right thigh, right knee joint, on the abdomen from the front and from the left. Bruises on the left and right scapular regions, back surface of the right elbow joint, back-external surface of the right forearm, dorsal surface of the right hand, external surface of the left shoulder. Hemorrhage into the soft tissues of occipital part of the hand, into the cavity of small pelvis, into the tissue of rectum intestinum partially involving the lower part of sigmoid colon (intestines), into the right iliopsoas muscle, into the lumen of rectum and sigmoid colon, around the fracture of the 5th rib, bruised-lacerated fracture on the mucous membrane at the entry into the rectum, perforated injury of the upper part of rectum, closed fracture of the 5th rib to the right on the midclavicular line, vascular injury of the right iliac region. Chopped head injuries, accompanied by hemorrhages into underlying tissues and linear fracture of the parietal bone, caused by six blows by a chopping object with a blunt blade. The other fractures are caused by a blunt hard object(s). The bruised–lacerated injuries of the mucosal entry into the rectum, perforated injury in the rectum, blood effusion into the rectum and into the lower region of sigmoid colon, into the cavity of small pelvis, vascular injury of the right iliac region, caused by a long hard and blunt subject, at least 15 cm long, thrust into the rectum through the anus.

R. A. Melkumyan's death occurred shortly after sustaining the injuries, as a result of acute blood loss, due to vascular injuries in the right iliac area as well as chopped head wounds.

*The forensic examination of Misha Ambartsumyan's corpse* revealed the following injuries: a contused wound in the right parietal region, hemorrhage into the pia mater of the right parietal and temporal lobes, hemorrhage under the soft covers of the left temporal part of the head, pressed-comminuted fracture of the left temporal bone including frontal and parietal bones, a rupture of brain dura mater, hemorrhage into the meninges, the medulla and ventricles of the brain, a bruise with abrasion on the frontal part to the left, a contused surface injury of the frontal part to the right, bruised eyelids and bridge of the nose, contused injury at the external part of the left eyebrow, abrasion of the nose, the right half of the face and dorsal side of the right hand, contused injury of the left part of the face, a cut wound on the dorsal surface of the right hand, 3-4 bruised fingers on the left hand. All the above injuries were inflicted when the person was still alive and originated shortly before death.

After sustaining such injuries M. A. Ambartsumyan's corpse was exposed to fire which resulted in the burns of the abdomen, buttocks and perineum as well as, the left shoulder and fingers on right hand, and lower extremities.

Ambartsumyan's death occurred as a result of an severe brain injury: a contused injury in the right parietal region with hemorrhages under the pia mater of the brain, compressed-comminuted fracture of the left temporal bone including parietal and frontal bones, rupture of dura mater with hemorrhage under brain meninges, into the medulla and ventricles.

...According to the conclusion of forensic examination, E. S. Melkumyan's death occurred as a result of chopped and contused wounds of the head, accompanied by linear and perforated fractures of the vault of the skull and fractures of the skull base, brain contusion and hemorrhage into brain ventricles. There were extensive burns with charring of skin and soft tissues. These injuries were inflicted when the person was still alive, and they were incompatible with life. The chopped injuries could be caused by two blows struck with the blade of a chopping object, and the contused wound with a hole-like fracture could be caused by the blow of a blunt hard object with a flat rectangular striking surface (e.g., back of the axe).

According to the conclusion of forensic examination, Igor Melkumyan's death was caused by burns. Besides, he was exposed to a contused and lacerated injury on the back of the head, accompanied by hemorrhage in the soft tissues.

Irina Melkumyan's death occurred due to the hemorrhage under meninges, into the medulla and ventricles of the brain, with fractures of the vault of the skull and head wounds, followed by the burning of the corpse...

## **Information on the accused persons**

### *Accused Akhmedov Akhmed Imani ogly*

In 1979, after graduation of the 8th grade of Sumgait secondary school number 25, he entered vocational school number 7 in Sumgait. In 1982 he was drafted to the Soviet Army. After demobilization, from March 1985 to January 1988 he changed several workplaces.

He has positive references from the educational institutions and work places.

...He performed his duties during the period when he worked; he didn't have any administrative or public reprimands.

During the investigation A. I. Akhmedov gave sincere testimony; he completely pleaded guilty, cooperated with the investigation in exposing other participants of the mass riots in district 41A, particularly, Ya. G. Jafarov and I. A. Ismailov. However, after familiarization with the criminal case, as prescribed by article 222 Criminal procedure code of Azerbaijan SSR, Akhmedov partially refused from previously given testimony, as evidenced by the filed motion, in which, in particular, he stated that he didn't consider himself the organizer of mass riots and murders in district 41A of Sumgait. He didn't participate in the murders, he didn't try to kill the victim Babayan, but merely threatened him. The given statement demonstrates that A. I. Akhmedov didn't repent of his crimes, trying to mitigate his guilt for the committed crimes.

### *Accused Ismailov Ilgam Azat ogly*

After graduation of the 8th grade of a secondary school in Sumgait. I. A. Ismailov (from March 9, 1982 to November 1, 1982), worked as a 3rd class welder at Construction company #2 at "Az-neft-tekh-khim-montazh" from which he was dismissed as he was drafted to the Soviet Army. After his service in the army he again worked at Con-

struction company #2 at "Az-neft-tekh-khim-montazh" where he became 4th class electric welder. On December 2, 1985 he was dismissed based on his own application. From January 20, 1986 to the day of arrest he worked at Construction company #3 "Az-khim-remont" as 4th class electric welder.

He was given positive references from his educational institutions, work place as well as by his neighbors.

During investigation as a suspect he sincerely testified about his participation in the murder of Arakelyan and the mass riots in district 41A of Sumgait. However, when charged and during the subsequent interrogations he denied his participation in the murder. Such behavior of the accused demonstrates his intention to escape criminal liability for the committed serious crime.

*Accused Yavar Jafarov Giyas ogly*

In 1985 he graduated from the 8th grade of secondary school № 26 in Sumgait. During his school years he was characterized positively, he took part in the social life of the school, he performed the assignments of teachers with proper attention.

After graduation of the secondary school until committing crimes he studied electric welding at vocational school № 49. According to the references from his school, he was a disciplined student, he took part in the social life of school. However, he missed classes without good reason and didn't do his homework properly.

He was given positive references at his permanent address.

Having admitted that he actually committed the crimes, Ya. G. Jafarov, however, describes them in beneficial light for himself.

The indictment was made on August 22, 1988 in Sumgait, Azerbaijan USSR.

**Investigator for special criminal cases under the auspices of the Prosecutor General of the USSR, senior councilor of Justice V.S. GALKIN (signed)**

## **WEDNESDAY**

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***October 19, 1988***

**10:25**, the reading of the indictment continued, it ended by 12:00.

After the break the interrogation of the accused started.

Akhmedov was the first to be interrogated. When asked whether he considered himself guilty under the articles mentioned in the indictment, Akhmedov answered that he considered himself guilty only under article 72 of the Criminal Code of Azerbaijan USSR, that is participation in mass riots, pogroms, arsons, and looting.

Ismailov and Jafarov gave exactly the same answers.

Akhmedov denied his testimony given at preliminary investigation. He insisted that he hadn't murdered anyone and he didn't even have such intentions. At the preliminary investigation he admitted his participation in the murders and even gave detailed description of the latter. (See indictment). When asked by the advocate Rshtuni

(as well as the chairman and the prosecutor) why at the preliminary investigation he pleaded guilty, Akhmedov answered that all his testimony at the preliminary investigation was wrong. He claimed that he was forced to give such testimony, that during the investigation in Sumgait he was beaten and blackmailed. When asked who beat him and compelled him to give false testimony, the accused answered that it was an Azeri investigator, whom he didn't know him, but he could recognize his face.

Thereafter, the court considered it necessary to view the video film made in Sumgait by the investigation team of the USSR Prosecutor's Office. In the film, Akhmedov together with the investigation team and witnesses walked through the places where the massacre and pogroms of Armenians took place and in which he personally took part. The accused gave detailed description of his actions, showed all the places where the Melkumyans, Ambartsumyan and Arushanyan were killed. In particular, he spoke how he struck Arushanyan with the axe.

After watching the film, Akhmedov stated that he lied again. He lied, because he was forced to.

Ismailov's interrogation started, who, just like Akhmedov, denied his previous testimony.

## THURSDAY

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### *October 20, 1988*

**10:00.** The trial started with the continuation of Ismailov's interrogation. Then, the interrogation of accused Jafarov started. He claimed that he hadn't murdered anyone and never had such intentions. The only fact he admitted was that on the way to district 41A from the bus station where the crowd armed with rods, axes, stones and shovels headed, he found a stick and since everyone was armed he picked up that stick. At the preliminary investigation, he stated that he had an axe. (See indictment). To the question, what was his role in these massacres, he cynically answered that they burnt fires in the streets and he tossed into fire some photos thrown out of some Armenians apartment. To the question, why he had given totally different testimony at the preliminary investigation, he answered that he was threatened to be killed by electric current and he was severely beaten. (The accused persons looked at each other and laughed).

All the questions of the defense are essentially intended to show that all the disorder (as they described Armenian pogroms and massacres) were connected with the events in Nagorno-Karabakh, that the Azeris wanted to take vengeance for the allegedly killed Azeris in Karabakh and Armenia.

When Jafarov completely denied his role in the murder of Armenians, the prosecutor presented to the court a letter from Jafarov addressed to his parents (the letter was found on an Azeri). Jafarov wrote in the letter that he was doing well and hoped to come back home soon. He only entreated his father to go and convince them not

to testify against him. This request was made in the letter repeatedly. Jafarov admitted that he wrote the letter. However, he totally refused to answer to the questions connected with the letter. The court chairman agreed with this and in the future, when the advocates asked questions, even implicitly connected with the letter, the chairman, not waiting for Jafarov's answer, immediately dismissed the questions, reminding them that the accused had already refused to answer to any questions about the letter.

After Jafarov, the victims were questioned.

Arakelyan (wife of the murdered Arakelyan) who miraculously survived, described in detail, how she was taken out of the apartment by the Azeris armed with axes, sticks, knives, pipes, re-bars, etc. She was struck many times (by knives and other objects) and she, having lost consciousness, fell down not far from the entrance to the building. At the same place, her husband was viciously murdered: he was burnt alive. She was also exposed to burning. Demonstrating super-human efforts, she pretended to be dead. The thugs, thinking she was dead, went away. She didn't recognize the accused persons in the courtroom.

Irina Melkumyan was the next one to testify (wife of the murdered Igor Melkumyan):

"My husband served in Afghanistan for two years. What the Afghans (dushmans) weren't able to do, was done by the Azeri thugs, the Soviet Turks."

She described how the Azeri neighbors refused to hide them with their young children.

They threatened: "If you don't leave now, we will kill you." In the end, on the last (5th) floor, when they were already desperate, they were hidden by their Lezgi neighbor in the bathroom of his apartment. Her husband and his sister Irina Melkumyan were trying to come to the 5th floor. However, a large crowd chased them and they didn't manage to hide themselves. She and three children, sitting in the bathroom, heard all the screams. They recognized Irina's Melkumyan voice who begged for mercy, begged them not to kill her, called her mother, father, brothers and ordinary people to help.

Then Jasmine Ambartsumyan spoke (wife of the murdered Misha Ambartsumyan). She identified Akhmedov among the accused persons; she saw him with the megaphone. She claimed as well that she recognized Akhmedov in the photo she was shown at the preliminary investigation (when she was given several photos). However, the prosecutor stated that the case materials didn't mention the identification of Akhmedov by the photo. In this regard, Ambartsumyan added that the photos were shown to her in her apartment. The court, without clarifying this issue, went on to the other questions.

The witness said that all the telephones in the apartments of the Armenians were disconnected, but people called the Police from the neighboring apartments many times, and nobody showed up to help.

Advocate Rshtuni asked:

"The official number of victims in Sumgait during the pogroms is 32 of which 26

were Armenians. In your opinion, how many victims were there in reality?”

The chairman interfered:

”Do you have doubts about the official statement?”

“Honorable Judge! I have met many people and most of them have doubts about these figures and....”

The chairman interrupted the advocate:

“I would like to specify, do you have any grounds for your doubts?”

“Do you have any official documents?” the prosecutor supported the chairman.

“No, I don’t have anything at hand.” Rshtuni answered.

To this the chairman said:

“You know that in Sumgait everything started from mere talks. Now we start talking again. If you have reliable sources, you are welcome to present them and we will look into them.”

A voice from the courtroom cried out:

“Publish the list of the victims then we’ll believe.”

The person who cried out was reprimanded by the chairman.

Then advocate Yashin read Ambartsumyan’s testimony, given at the preliminary investigation in which the thug with the megaphone was described. This description doesn’t match with accused Akhmedov. Ambartsumyan stated that she hadn’t given such testimony. She was shown the text of the testimony. She stated that the signature was forged, it was not hers. (The testimony was taken by the Azeri crime investigators in Sumgait.)

The court declared a break without clarifying the problem. The following session is on the next day at 10:00.

## FRIDAY

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### *October 21, 1988*

**10:00.** Questioning of witnesses.

Witness Akhmedova, mother of the accused Akhmedov, was summoned to the courtroom.

Justifying her son, she in particular, said:

“Why was my son brought here? Why did the police remain inactive? Why did Bagirov phone to disarm the Police?”

Witness Ismailov, father of the accused Ismailov, was summoned to the courtroom. He also tried to justify his son.

Then witness Jafarova, mother of the accused Jafarov, was summoned to the courtroom. She said that her son is a 18 year-old boy, and he wasn’t able to kill a man. “... Everybody killed there. Why are you only suing my son, and not the main organizers? All the people sitting in the courtroom know who organized all this. Where are they, why aren’t they on the dock? The officials who let it all happen must be on the



dock.” Everybody applauded in the courtroom. The chairman warned that if such a thing happened again, he would have to empty the courtroom. Then the witness called those who were in charge of the pogroms: Aliev, Bagirov, and Muslim-zadeh. The approving noise was heard again in the courtroom. And the judge made a reprimand again.

A break for one hour is declared.

After the break, Karine Melkumyan took the floor and made a statement on behalf of the victims.

”Honorable judges, our grief is enormous, our wounds are incurable, in spite of the verdict to be made. We have lost our relatives; some of us have lost literally everyone.

There are three thugs on the dock in front of all of us, who by all means try to escape the punishment they deserve. They behave themselves impertinently and defiantly. For us and for you too the horrible fact is more than evident that even deep inside they don’t condemn themselves for their own vile crimes. Just the opposite, they consider themselves victims today, and heroes after the pronouncement of the verdict.

During the trial it has become evident and obvious that these three thugs, one of them a youngster, couldn’t vandalize, kill and rape entire districts, burn houses and corpses, cars and alive people. Don’t you wonder where those hundreds of people are, where the real organizers of this terrible crime are (not only against the Armenians, but against the Soviet people, against the entire human race).

In the Soviet mass media there was an article about the trial in Brazil: the actions of five thugs, which led to the killing of three native Indians was classified as genocide.

Isn’t it genocide, when civilians are killed, the Armenians of Sumgait? Do you have doubts about it? You are highly professional lawyers, who face such manifestation of ethnic hatred, vandalism and brutality for the first time in your vast practice.

We believe the highest body of the Soviet court, above which is only Law, doesn’t have professional or moral, or human right to disregard out appeal, our hope to reveal the Truth. Everyone knows the truth: a real genocide was prepared and realized in Sumgait. And the three thugs, the three petty screws in this huge mechanism are here in front of us, telling lies to you and us. They lie shamelessly and confidently. We insist on the correspondingly relevant classification of the crimes, and on revealing the truth.

The highest judicial body of our country can’t deal with such a trivial criminal case as the episode of Sumgait tragedy in this lofty building. The Supreme Court can’t help revealing the truth and making it public. In the name of Truth, in the name of the Law, in the name of Humanism.”

The chairman asked: “Why, aren’t you satisfied with the court, don’t you trust the court?”

Melkumyan answered: “We just want you to consider everything, all that was mentioned in this statement.”

Later on, the questioning of the witnesses continued. Z. D. Polatkhanova and then

Eldar Akhmedov (born 1964) were summoned to the courtroom. The latter gave contradictory testimonies, denying his testimony, given at the preliminary investigation. Nevertheless, he stated that the accused Akhmedov (whom he identified) raised the axe over Babayan at the dairy factory. After that the accused Akhmedov took the floor and said:

”Until now I haven’t spoken, but now I want to confess: I took the megaphone from this witness at the bus station.”

Then Akhmedov wanted to add something, however he was interrupted by the chairman who asked: ”What will you say about it, witness Akhmedov?”

Answer: ”It is not true.”

The questioning of witness Akhmevod was over. It remained unclear what the accused Akhmedov wanted to add when he was interrupted by the chairman.

Witness V.Adilov was called to the courtroom. In his testimony he repeated many times:

”I can’t really understand how 200-300 people could turn upside down the entire town with 300,000 population?”

Underage witness Kamran Abbasov (born 1973) was called into the courtroom accompanied by his mother. He recognized Akhmedov and stated that the latter at the bus station called on the crowd through the megaphone to go to district 41A.

A break was announced. The court hearing will continue on October 24, at 10 a.m.

## **MONDAY**

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### ***October 24, 1988***

**10:02.** Witness N. I. Yasanov (born 1938, a Lezgi) was called into the courtroom. He didn’t know any of the accused men. He said that three women with three children went up to him on the 5th floor and begged to save them from the killers. He hid them in his bathroom. During preliminary investigation, he testified that he saw three men in the street, one of them had a megaphone and an axe, the other one had a shovel, the third one had a meat chopper. The man with the megaphone was dressed in a grey suit. Today he claims that the guy with the megaphone had a chopper. He didn’t see the faces of these thugs, he didn’t remember them. He didn’t see any killed men and burning fires in the street either.

Yasanov said that the man with the megaphone asked him in the street, near his car about his nationality and ordered to drive the car away. The prosecutor asked the accused Jafarov, then he asked Akhmedov, if there really was such a conversation near the car. Both accused persons denied that, and said that they never heard of it.

Thereafter, the witness gave contradictory testimony answering to the questions of the Armenian advocates, affirming that he hadn’t seen anything. He didn’t see how people were killed, and didn’t see the pogroms. To the question of the advocate, why he gave absolutely controversial testimony at the preliminary investigation, the witness answered that he simply signed the testimony without reading it. That’s why

something wrong could have been written there.

Yasanov stated that he never even heard about the massacre in Sumgait on February 27-29. The advocate asked: "Why didn't you drive your "Moskvich" and ask for help and bring an APC, you demonstrated humanism and sheltered the Armenians." The answer: "I was scared."

Witness S.M. Guliev (born 1939) was called to the courtroom. He didn't know any of the accused. He saw one Armenian being mauled who was covered with some belongings, soaked in gasoline and ignited. Later on, at house 5A, near the transformer booth he saw, one absolutely naked girl being killed (Irina Melkumyan). These thugs stabbed her with knives, struck with axes, after which burnt her. The witness claimed that he didn't remember the megaphone-holder. Then his testimony at the preliminary investigation was read where he claimed that shortly after the mass riots he again saw the megaphone-holder but this time he was explaining something to law enforcement officers in district 41A, who filmed him on a video camera. After the testimony was read, Guliev said that it was wrong, and he had signed his testimony without reading it, as if he allegedly trusted the investigator, and the investigator deceived him.

Later on, he described the scene of Artashes Arakelyan's murder:

"He was brought out of the entrance, being beaten by various objects, after which he was covered with things and burnt. Each thug had a reinforcement bar about 70 cm long. After the pogroms in district 41A, the crowd headed to district 9... I saw the patrolling APCs. Some people ran to the soldiers and asked for help. However, the soldiers didn't help, explaining that they were not ordered to help..."

Answering to the questions of advocate Rshtuni, the witness specified:

"The thugs had special reinforcement bars about 70 cm long, as if specially made for the pogroms... There was no Police in the town, I didn't see. The telephone lines were cut... Cobblestones were brought on purpose... The thugs had batons and helmets taken away from the soldiers." The chairman interfered him here; he didn't let the witness give a full account of the events, proving the thoroughly organized nature of this massacre. The discontent in the courtroom increased, there was some uproar. The witness went on: "These pogroms couldn't be prepared overnight. They had been preparing it for a long time."

There were outcries from the audience: "Well said!"

"...The megaphone holder called for the killing, massacre and burning of the Armenians."

Advocate Rshtuni asked:

"You said this entire massacre was not organized in one day; where did you get this information?"

The witness answered:

"You see, when some five people want to organize something, the law enforcement bodies learn about it at once. There were not five, but thousands of thugs vandalizing Sumgait during those days."

Advocate Rshtuni's second question:

"You said that those days the Police surrendered the town to the criminals. Do you have any evidence or facts?"

The chairman interfered:

"I want to say that this question is not directly related to this trial, moreover the criminal case against Sumgait Police has already been instigated."

There was uproar in the courtroom. The witness answered:

"What evidence can I have? I can merely say that I didn't see a single policeman in the town during these days."

A break is announced from 11:54 to 12: 20.

Witness Aliev Ildrim Hajibaba ogly (born 1961) was brought into the courtroom; he was in custody, charged with rape and other crimes. Advocate Rshtuni made a statement. He asked to interrogate this witness in private, since his testimony was of intimate nature. With regard to that statement, the prosecutor suggested to interrogate the witness in public, narrowing down the list of questions. Later on, the complainants supported Rshtuni. The Azeri advocates took the floor and made a statement; they suggested to interrogate the witness in public, since the questions of intimate character are not of considerable importance for the given trial.

The court, after deliberations in the courtroom, decided to interrogate I. G. Aliev in private. The audience left the courtroom, only the participants of the trial stayed. The interrogation commenced.

The witness recognized the accused Akhmedov with whom he used to work. He didn't know any of the victims. The witness said:

"I was driving my car. Something went wrong with my car and I went to get some water. I came back and saw a crowd near my car surrounding a naked girl. Some people got into my car and I took them to the district where I lived; they left, and I took the girl home to give her some clothes. Then she asked me to take her to her relatives, and that was exactly what I did... I didn't see what was happening in district 41A."

Then the prosecutor announced his testimony given at the preliminary investigation:

"In district 41A I saw fires in the street. Human legs could be seen from one of the fires. All the thugs rampaging in the street had knives, axes, etc. I saw Akhmed Akhmedov there with whom I worked at the Aluminum factory. He had a megaphone, he was calling for the killing, massacring, burning Armenians. The crowd obeyed Akhmedov. Everyone did what he told them to do."

The witness responded that he hadn't given such testimony. When he was shown his signature under his testimony, he said that he signed it without reading. Then Aliev clarified:

"I was beaten. I don't know Russian that is why I asked for a translator; however I was not given any translator." Then he was shown the document signed by him which said that he knew Russian and didn't need a translator. He asserted:

"It is not true. I don't know Russian. I was dictated what to write and I wrote." Answering to the prosecutor's questions, the witness insisted that in district 41A he

saw only two men and some old, useless belongings (beds, chairs, etc.) Since this completely contradicted the testimony given at the preliminary investigation, the prosecutor warned him about criminal liability for perjury. His warning didn't change anything.

A break was announced from 13:53 to 15:00.

Advocate Rshtuni made a statement, suggesting to summon two witnesses: Takhmazov (house superintendent) and Ghukasyan to reveal the link between Takhmazov and the thugs who vandalized district 41A.

"As a matter of fact," Rshtuni explained, "this superintendent had visited the Ghukasyans and the Melkumyans before the pogroms in district 41A, and suggested to stay in their apartments, since it was dangerous in the streets. However, unlike the Melkumyans, the Ghukasyans didn't believe and fled." The prosecutor supported the request to call the superintendent to the court, but didn't consider necessary to call Ghukasyan. The Azeri advocates didn't support Rshtuni's suggestion, considering the questioning of house superintendent pointless for the given trial. The court, deliberating in the courtroom, decided to summon only the superintendent to the court.

Witness M.A. Atlukhanov (born 1964) was called into the courtroom. He identified the accused Akhmedov and Ismailov, he used to work with Akhmedov, and he was the neighbor of Ismailov. The witness said that on the way to the bus station, he and Akhmedov saw a naked dead girl in the reeds, and there was a man in blood lying at the traffic light. Atlukhanov said that he persuaded Akhmedov to go home, but the latter didn't agree to do so.

Thereafter, he left Akhmedov there and went home. Later on, he told in detail that he saw a burning bus not far from the bus station.

"Everyone stared but nobody approached. There were tanks in the town, but they didn't interfere."

At the preliminary investigation he said that he saw a bleeding naked girl on the road who was lying on her back and moved her legs; there were people walking nearby, but nobody approached her, nobody helped. Now he denied this testimony. He also denied the other testimony given at the preliminary investigation. To the question, why he gave such controversial testimony, the witness said nothing.

Witness Valeria Kozubenko (born 1928) was called into the court. She didn't recognize any of the accused persons. She gave detailed description of the pogrom in Arakelyan's apartment.

"The apartment was totally ruined and then they started crushing our door. When the axe blade could be seen through the door, I opened the door. They all broke into the apartment and started destroying it. I saw them dragging out Asya Arakelyan from our apartment and then her husband Artash Arakelyan was pushed out." Answering to the questions of the prosecutor, Kozubenko reported the following details:

"The bandits, who broke into the apartment, were armed with pipes, bars, and big knives; the metallic pipes were of similar length, as if specially cut for this. Someone of the Azeri vandals wanted to strike me, but the one, standing nearby, didn't let him do

it, saying “We don’t touch the Russians.” These vandals, absolutely all, were dressed in black and almost everyone was young... Our telephones had been out of order since the 28th.”

Witness E. B. Veliev, charged with rape in district 35, was called into the courtroom (born 1970). Among the accused persons, the witness identified Akhmedov and Jafarov. He went to the same school with Jafarov, and saw Akhmedov during the pogroms in district 41A.

Veliev claimed that all the testimony given at the preliminary investigation was false. He said that he saw only the moving crowd and spotted Jafarov and Akhmedov in the crowd. And that was all. The court had to announce Veliev’s testimony at the preliminary investigation: “Jafarov was among the guys who were taking out this man from the apartment of the Russian woman. The crowd took the man down the street and there I saw Jafarov striking the man twice with the axe. He first struck on the back of the head; the second blow was on the head.”

Veliev totally confirmed the testimony at the confrontation with Jafarov and exposed Jafarov’s lies, claiming that he saw Jafarov at house 5A in district 41A, he stabbed Asya Arakelyan several times. “Jafarov was also near that woman and threw a knife at her hand.”

Now Veliev and Jafarov denied the given testimony. The accused persons smiled happily sitting on the dock while the complainants in the courtroom were crying and mourning, everything they went through was a great grief for them.

The court chairman asked the witness why he gave false testimony at the preliminary investigation. Veliev’s answer was: “I don’t know.” The chairman repeated the same question several times with enormous patience. “Why did you give false testimony?” and each time he received the same answer. “I don’t know.” At last, the witness said that he made up all this to be set free.

During the interrogation, Veliev repeated that his mother was Armenian. This caused annoyance among the Armenians sitting in the courtroom. There was uproar in the courtroom: “She was not Armenian, she was a whore.”

A break was announced. The next hearing is on October 25, Tuesday.

## TUESDAY

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***October 25, 1988***

**10:10.** Advocate Shaposhnikova moved a motion. She informed the court that she and advocate Rshtuni received the indictment the day before the actual day of the trial.

She said that they “naively thought that during the trial they would be able to completely familiarize themselves with the case. However, today they are facing the fact: they can’t physically study 9 large volumes plus the 100-page indictment. Pursuant to the relevant article of the Criminal Procedural Code of the RSFSR, they request to give them three days to study the materials.”

The defense expressed their opinion about the motion. They do not object to the request.

The prosecutor upheld the motion.

The court, deliberating in the courtroom, decided to satisfy the request of advocates Shaposhnikova and Rshtuni making a three-day break. The trial continued on October 28 at 10 a.m.

## FRIDAY

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***October 28, 1988***

**10:00.** Advocate Shaposhnikova was the first to take the floor. On behalf of the advocates of the complainants, (Shaposhnikova, Rshtuni) she made the following motion:

### **MOTION**

**(Pursuant to article 276 of the Criminal Procedural Code of RSFSR)**

Based on the decision of the special investigator of the USSR Office of the Prosecutor General, Mr. Galkin of 24.06.88 on the separation of the materials of the criminal case into separate proceedings, and allocation of case #18/6026688 with respect to riots, killings, violence, and other crimes committed on February 26-29 in Sumgait, the case against Akhmedov, Ismailov, and Jafarov was separated.

Owing to the fact that the case materials lack information whether the USSR Procuracy investigating the above cases in Sumgait has the cases against the persons charged with mass riots committed in district 41A in Sumgait, organized by Akhmedov, and who participated in the murder of A. L. Arakelyan, the Melkumyans: Sogomon, Raisa, Irina, Igor, and Eduard and testimonies about the murder of A. Babayan and A. T. Arakelyan, I request to demand the above information from the Procuracy. This information is needed to make sure the separation of the case we are considering was justified, since according to article 147 of the Criminal Case of Azerbaijani SSR a case can be separated provided it does not affect the integrity and objectivity of

investigation and resolution of the case on the whole. The submitted data will enable to make sure that the considered case was separated correctly.

Thereafter, victim Zhasmin Ambartsumyan made a statement on behalf of all the complainants challenging the translator from Azeri into Russian. In her statement she gave concrete examples which showed that the testimonies of some witnesses were translated incorrectly, the meaning was deliberately distorted. For example:

**Witness:** Armenians were sacked.

**Translator:** Armenians didn't go to work.

**Witness:** the thugs walked with axes, stones, and sticks.

**Translator:** the thugs were with sticks and stones.

**Witness:** Aliev, Bagirov and Muslim-zadeh bear the responsibility.

**Translator:** the authorities are to blame.

**Witness:** the Police directed the actions of the thugs.

**Translator:** the Police stood and watched.

The statement about challenging the translator was supported by the advocates of the complainants.

The defense of the accused reacted to these two statements. They supported the motion of advocate Shaposhnikova; however, they didn't support the challenge of the translator. The prosecutor also supported the motion of the advocates of the complainants; but he also affirmed that there was not enough ground for the challenge of the translator. The prosecutor added that even if there were inaccuracies they didn't distort the essence of the testimony (the prosecutor, probably, perfectly mastered the Azeri language). Supporting the motion of advocate Shaposhnikova, the judicial panel left the courtroom to make a decision on the request of complainant J. Ambartsumyan.

At that time, it became known that about 30 Armenians gathered at the entrance of the USSR Supreme Court demanding to let them enter the courtroom since the trial is open. However, they were not allowed to enter on the ground that the courtroom was full. Actually, there were many vacant seats in the courtroom, and too many "redundant" people.

**11:20.** The court made a decision on the challenge of translator Nadjabov.

"Having discussed the petition of the complainant about the challenging of translator Nadjabov, the judicial panel didn't find the motion grounded... The judicial panel made a decision to dismiss the motion."

Witness Muradov Jamal Ismail ogly (born 1960) was called to the courtroom. He didn't know any of the accused persons. Upon the request of the judge to tell about everything he knew about the case, he answered:

"Much time has passed. I have poor memory, and I hardly remember anything." Long silence of the judge followed. Then the witness added.



“Well, I can tell approximately. I saw a man burning at the burnt down car, I was frightened. Only barbarians could do it. There was a woman who was severely mauled. She wanted to enter the car standing nearby, but the driver pushed her out and didn’t let her in. The thugs continued to maul her. I don’t know where she was taken to. There I saw some dead people. There was a naked woman lying a little farther, all in blood. It was scary. I had never seen anything like that before. Then I saw the fellow trampling on the head of a live man. I said: ”What are you doing! It is a human being. You can’t treat the human being like that.” I was told that that’s the way they must to be treated. I didn’t sleep the whole night. All of it was on February 28.”

On February 29, I went to buy some bread together with my wife. There were pogroms in the house. The Police stood and watched... I saw a fellow with a megaphone in the crowd. I don’t know who he was (he looked at the accused). I didn’t recognize the fellow with the megaphone. I was with Shekir in district 41A. His acquaintance approached him, his name was Ilghar, but I don’t know his family name. The megaphone guy had mustache, he was short. I don’t know what he said through the megaphone.”

The court read the testimony of the witness at the preliminary investigation where he said that the fellow with the megaphone called for the killing of the Armenians, since their sisters and mothers were allegedly killed in Armenia and Karabakh. The witness added that his testimony at the preliminary investigation was accurate, he simply couldn’t recall it presently, since some 9 months have passed.

“The ruffians acted in a well-organized manner,” Muradov went on. “They found the apartments of the Armenians very quickly. I don’t know how; the fellow with the megaphone directed the crowd, everybody obeyed him. I don’t know if the megaphone-holder had any weapon, I don’t remember. The cars honked, as if meaning ”I am a friend”, and they were not harmed, but the other cars were checked. The gang was armed. One of the ruffians had a soldiers’ helmet. There were soldier’s shields. I remember that one APC ran over the people. I saw a dead man lying on the ground in the very center, his head was broken, I could even see his brain out of the skull. It was incredibly terrifying. There were people of different age groups in the crowd, even 3-4 year old children. (There was laughter in the courtroom.)

To Shaposhnikova’s question: ”Why did you follow the crowd?”

The witness answered: “In order to later help the investigation.”

The accused Akhmedov was cheered up by this answer. He was laughing.

”The cars which didn’t honk were stopped,” the witness went on, “the police stood not far away and did nothing. I saw many policemen who looked and didn’t act, as if it didn’t concern them... There were many big stones in the center. I don’t know where they were brought from. We didn’t have such stones before”. Thereafter, the witness confirmed all his testimony given at the preliminary investigation.

Advocate Rshtuni asked the accused Akhmedov:

“Did you have mustache during the pogroms?”

Akhmedov answered:

”I have never had any mustache.”

Rshtuni provided the court with the picture from the "Grakan tert" weekly (issue of October 21) where Akhmedov had mustache. After this Rshtuni asked:

"What made you, Akhmedov, shave your mustache within three days?"

Akhmedov's advocate, Yashin asked:

"Witness, you have just heard Akhmedov's voice. Is this the very voice that spoke through the megaphone?"

After a long contemplation, the witness answered: "Maybe it is the voice."

Akhmedov turned pale.

"Why didn't you do anything to prevent these actions as a lieutenant of reserve, as a man?"

The answer: "Well, what could I do? Even the Police stood and watched. What could I do?"

Witness Aliev Shekir Mirza ogly (born 1961) was called into the court. He didn't recognize any of the accused persons. He confirmed his testimony made at the preliminary investigation. He gave laconic answers to all the questions, explaining that he had very poor memory. He hadn't seen the guy with the megaphone and banner. Then the prosecutor announced his testimony at the preliminary investigation, where he stated that at the bus station he saw a guy with the megaphone, the policemen not far from the site simply watched. He also saw a guy with a red flag...

After the disclosure of the testimony, the witness confirmed: "Yes, that corresponds to reality, that's true".

Nevertheless, he still wouldn't not answer to the questions in essence, citing his poor memory. Aliev confirmed that he was at the centre of district 41A, but he said that he hadn't seen anyone being killed there. He didn't remember any fellow wearing a helmet. He didn't remember any fellow with a banner either. He didn't even remember where he met Ilgar. Yet he remembered Ilgar, standing with his hands in his pockets and dressed in a light grey raincoat The prosecutor said: "You apparently have an excellent memory. You remember such details as the posture of Ilgar and what he was wearing." An answer followed: "I am saying all I remember." The prosecutor's long efforts to reveal at least anything about the guy with the megaphone didn't yield any results.

During the answers to the questions of advocate Shaposhnikova it was disclosed that the witness was 5-6 meters from the dairy factory, where an Armenian was being beaten. However, Aliev didn't answer to any questions connected with this (what was used for the battering, how many people mauled him, if the megaphone-holder was there), again citing his poor memory.

Witness B. I. Gambarov was called into the court (born 1941), head of the security service at Objective number 5, which includes the dairy factory and garage. He didn't recognize any of the accused persons. The witness gave the following testimony:

"At 16:30 a group of about 200 people approached the dairy factory, a man covered with blood ran towards the checkpoint of the dairy factory. Some young thugs were running after him. I didn't let them in. The thug wearing a grey suit wielded the axe

at me three times. At that time, an APC passed by, from which the soldiers started shooting blank cartridges. Everyone ran away. I personally called the Police, but nobody came to help. The director of the dairy factory called the Communist Party committee of the city and the Police in my presence. Again there was no aid provided.

The witness confirmed his testimony given before: "I saw Babayan being struck on the head with metallic bars twice not far from the checkpoint, but I didn't see who exactly was striking, there were too many people there, and it was rather hard to make out who was who."

To Shaposhnikova's question: "Was the thug with the megaphone in the territory of the dairy factory?" Gambarov answered that there was no such man with the megaphone. Shaposhnikova was outraged:

"You couldn't make out who exactly struck Babayan on the head, since there were many people, yet you precisely determined that there was no guy with the megaphone there. What does that mean?"

A break was announced (from 14:24 to 15:38).

Witness Murad Muradov (born 1964) was called into the courtroom. Among the accused persons he knows only Ismailov with whom he worked. The witness said that "since the 29th there were rumors in the town that the Armenians had allegedly burnt a school and a kindergarten in district zero. Gasanov and I went home. On the way we met Ismailov in the bus. We went to the bus station together. We saw a bus burning there, the crowd threw stones at the police officers. Ismailov asked me, if we were going to throw stones, I said: "No, why, what for?" (Laughter in the courtroom). Then I went home. That's it." The prosecutor asked: "Where were the stones at the bus station brought from, the ones thrown at the police officers"? The witness answered: "I don't know. There were stones and metal bars."

Witness Rakhmedov (born 1946) was called into the courtroom. He didn't know any of the accused persons. In district 41A he saw a man with a megaphone. There was a banner, too. The megaphone-holder cried out: "Death to Armenians, long live Azerbaijan!" Everyone cried out: "Hurrah!" He was dressed in a grey jacket. There were many people. He can't say anything more. Answering the prosecutor's questions, the witness added: "I saw a human corpse from my window; I got frightened and immediately went away from the window. I didn't see anything else."

Witness Teyubova (born 1952) was called into the courtroom. She didn't recognize any of the accused.

"...From my house, I clearly saw the megaphone-holder speaking. I saw two men dragged out of the entrance and surrounded by 50-100 people at once who started kicking them. The megaphone-holder spoke in Russian well: "Karabakh is ours," "We will never give Karabakh away." He appealed to us (women) and asked us not to watch what was going on in the street. He said: "Let the men watch. The same was done to our compatriots in Armenia and Karabakh." The megaphone-holder asked the dwellers to tell him where the Armenians lived. Nobody did. Everyone answered that no

Armenians lived there. But they somehow found the apartments of the Armenians. Maybe they had known the addresses of the Armenians... I saw a large crowd taking a girl away. She screamed loudly. She was killed there. That is all I saw there."

To the question, if the megaphone-holder had any other object, she answered that he didn't have any. When the chairman announced her testimony, given before, where she stated that the megaphone-holder had a cutting tool like a chopper in his hand, she admitted that the megaphone-holder indeed had a chopper. Then Teyubova stated that the crowd was armed with 50-70 cm long reinforcement bars. Answering to advocate Rshtuni's question, she specified: "I can say that all these reinforcement bars were of similar size."

During the preliminary investigation, the witness stated that she could exactly identify the thug with the megaphone but today she confines herself to incomplete description of the features of the man with the megaphone.

To the question of one of the advocates of the accused, the witness confirmed the testimony: "Yes all the metal bars looked similar; they seemed to have the same size."

A break was announced; the court hearing will continue on October 31, at 10 a.m.

## MONDAY

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### *October 31, 1988.*

**10:05.** Witness A. S. Selimkhanov (born 1963) was summoned. He identified only his coworker Ismailov among the accused. The witness testified as follows:

"During the rally at the bus station Ismailov asked a woman: "Where do the Armenians live?" She answered: "If I knew, I would suck their blood myself..." There were fires burning at district 3. Ismailov threw some curtains into fire, after which we went home. That's all.

The chairman asked: "Were you questioned at the preliminary investigation?"

The answer was: "I was intimidated by the investigator, so I gave incorrect testimony."

The chairman announced Selimkhanov's testimony at the preliminary investigation. "...I met Ilgham Ismailov not far from the bus station. He approached me and suggested to kill Armenians; an elderly woman was passing us by. Ilgham asked her if she knew where the Armenians lived, and said he wanted to kill them..."

"I was intimidated by the investigator. I told lies," the witness repeated.

Then, answering to the questions, the witness clarified:

"We went to the bus station to look at blood, there was much blood. The APC ran over people, the army defended themselves there.

Advocate Rshtuni's question: "Did the army defend itself or the population?"

"No, they defended themselves with shields," the witness answered.

Advocate Rshtuni started clarifying why the witness denied his testimony given at

the preliminary investigation. After another question Selimkhanov answered that he had been intimidated, threatened. When asked who had intimidated him, he finally confessed:

“Ilgham’s father. After the first questioning Ilgham’s father came to our place and demanded from me to say that I had parted with Ilgham at the bus station. He said that in that case nothing would happen to me, however the next day I was taken away.”

Advocate Rshtuni asked: “So, Ismailov really said that he wanted to kill Armenians?”

The answer: “Yes.”

Later on, to the advocate’s questions, the witness answered:

”We parted in district 3... All the horror was being filmed from the APC and on the next day there were rumors that all those men who killed and participated in pogroms were filmed. Upon hearing this, Ismailov turned pale and even didn’t go to lunch.”

Advocate Rshtuni, with the consent of the chairman, turned to Ilgham Ismailov’s father, who was in the courtroom: “Mr. Ismailov, what will you say in response to Selimkhanov’s testimony?”

Ismailov-senior answered: “I went to Selimkhanov’s place and asked him to give correct testimonies, knowing that my son had left the workplace together with Selimkhanov. As for intimidation of Selimkhanov, it is not true. Selimkhanov is lying.”

After this Selimkhanov once again confirmed his testimony.

The chairman turned to accused Ismailov: “Do you agree with the witness’ testimony?”

”No,” answered the accused, “we haven’t seen any woman there. He is lying.”

He himself asked the witness: “Where did we meet, Selimkhanov?”

”We met in district 36,” the witness answered.

The accused and the witness assault each other with screams.

Answering to the advocate’s questions, the witness added:

”In district 36 I also saw one soldier seriously wounded and dying, he was being given first aid... On that day the administration of the factory didn’t give us any assignment at work...”

Witness T.T. Takhmazov (born 1959) was called, house superintendent. He didn’t recognize any of the accused. He recognized Karine Melkumyan among the victims.

The witness affirmed that he visited the Melkumyans in the morning at 8:30. However, the victims asserted that the superintendent entered the Melkumyans’ apartment at 16:30, and advised them not to leave, since it was dangerous in the streets, after which he left. After a while, the bandits came. The witness visited the Ghukasyans on the same day with the same purpose and advised them not to leave. However, the latter didn’t trust him and took cover in another place. As a result, they survived but their apartment was plundered. The witness stated that from 15:30 to 21:00 he was in the municipal executive committee.

To advocate Shaposhnikova’s question: “Why did you sit there doing nothing, why

didn't you do anything about it?"

Takhmazov answered: "Let the chairman of the city council answer to this question. We were waiting for instructions but no orders were given."

Takhmazov continued: "...The representative of the Central Committee of Communist Party of Azerbaijan Ganifaev ordered to burn and bury all the smashed things and we did very quickly too. Next morning repair and construction units were sent to district 41A from the city council, and swept away, cleaned all the corpses and all the ruins..."

Witness R. M. Teyubov (born 1942) was called. He didn't recognize any of the accused. The witness denied the previous testimony where he stated that the man with the megaphone directed the entire crowd.

Witness M. B. Janatov was summoned. He didn't recognize any of the accused. The witness, basically, confirmed his own testimony, given at the preliminary investigation.

"The crowd rushed into our entrance, started throwing stones at the windows of apartment 21 of house 2B... The raiders had kitchen knives, axes, reinforcement bars, crowbars, stones and sticks. The crowd made its way into the apartment of the Melkumyans. At that time, I saw Eduard Melkumyan rushing out of the entrance through the crowd. He hardly ran 5-6 meters from the entrance when one of the thugs struck Eduard on his head from behind with the blade of the axe and Eduard fell on the road..." Later, however, the witness answered to the questions inaccurately or knowingly incorrectly.

A break was announced from 13: 55 to 15: 08.

Witness M.Ya. Mamedov (born 1970) was called into the courtroom. He recognized Jafarov; they studied together. The witness, in particular, testified as follows:

"...When I and my friend Kerimov came to the bus station, there were many soldiers there. The soldiers retreated, many of them were injured, their faces were in blood. There was the guy with a megaphone who called to go somewhere and beat the Armenians. Then the crowd went to district 41A. They started pogroms in the apartments of the Armenians. In district 41A, I saw Yavar Jafarov. When an Armenian was being taken out of the entrance, Jafarov struck him on the hand with his axe; that is all I can tell." The victims, sitting in the courtroom, who knew the Azeri language, protested, indicating that the translator translated incorrectly: instead of "struck on the hand", it was said, "grabbed his hand and struck him on his head with the axe."

Then the witness gave very dry answers to the questions, either saying "I don't know" or "I didn't see". To the questions connected with the megaphone, his answer was rather categorical: "I don't remember, I didn't see."

Advocate Shaposhnikova announced the testimony given at the preliminary investigation: "... The megaphone guy said there was no need to make pogroms in the Armenian apartments since they would get all their apartments; they simply need to kill the Armenians."

The witness recalled and confirmed his testimony. He confirmed the testimony

concerning the episode of Irina Melkumyan's murder.

"...The man and the girl were taken out of the entrance. They were holding each other's hands but they were parted... I saw the girl struck with a shovel... The girl was undressed, thrown on the boxes and covered with them... The girl removed the boxes and screamed. Then a guy of about 20-22 approached her, he poured gasoline from a kettle on the girl, and ignited her himself..."

Accused Jafarov claimed that he didn't know the witness and he first saw him at the confrontation. "Actually, Jafarov went on, the witness is lying." The chairman reminded Jafarov that at the confrontation with witness Mamedov the latter said all that he just stated there in the courtroom, and at that time Jafarov admitted to it. The accused answered to this: "Yes, I gave such testimony, but it is not correct, I had to give such testimony, since I was forced to."

Answering to the question of advocate Yashin, the witness unexpectedly identified Akhmedov as the megaphone-holder. (Applause in the courtroom.)

Witness S. S. Azimov (born 1972) was called, who was in custody for participation in the mass riots on February 27-29 in Sumgait. The witness knew all the accused from prison. He clarified that the megaphone-holder, Akhmed Akhmedov said on the megaphone that the Armenians must not be beaten; they must be simply pushed out of the town. "I saw him once in district 41A; afterwards I got acquainted with him in the prison. I don't know anything else."

Answering to these questions of the prosecutor, the witness stated, that he saw Jafarov in district 41A dressed in soldier's uniform.

"When the woman who was taken out to the street, was being undressed," the witness clarified, "something, a bundle made out of a handkerchief, fell down from that woman. I picked it up. It was jewelry."

Azimov denied his testimony against Akhmedov given at the preliminary investigation, referring to the fact he was drunk during those events. The prosecutor announced the testimony of the witness: "The fellow with the megaphone, leading the crowd, suggested to go to district 41A and everyone went there. In district 41A, I saw an Armenian girl pushed out of the entrance of house 2B, she was beaten by the men including Akhmedov. Akhmedov held the megaphone in one hand, and with another hand he was beating the woman on her face."

The witness answered that he didn't remember anything like that. He told the court what he did remember.

A break was announced; the court hearing will continue the next day at 10:00.

## TUESDAY

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*November 1, 1988.*

**10:23.** The questioning of witness S. Azimov continued. Answering to the questions of advocate Shaposhnikova, the witness testified that Elgar Kerimov and another man (whom the witness doesn't know) threw the man who was taken out of the entrance into fire. At the preliminary investigation, Azimov stated that Elgar Kerimov and Akhmed Akhmedov were beating the Armenian woman. Now the witness stated that Akhmedov didn't take part in the beating. To Shaposhnikova's question, if he had given correct testimony at the preliminary investigation, the witness answered: "I don't know." Then Azimov stated that when he was drinking cognac taken from a robbed and ruined apartment with unknown thugs in the apartment of an Azeri man, the owner of the apartment said: "You are doing the right thing killing Armenians. You vacate apartments for us."

Advocate Rshtuni asked questions to reveal the other participants of the massacre in district 41A. However, the chairman immediately intervened:

"These questions are irrelevant to this case."

Rshtuni said that the investigation department of the USSR Procuracy responded to their query that there were no other criminal cases concerning district 41A.

"That's why," Rshtuni continued, "we are entitled to reveal the other participants of the pogroms in district 41A in order to file a motion to the court on the unification of these cases."

Advocate Yashin asked the witness whether any pressure was exerted on him when he gave the first testimony. The witness answered: "Yes, there were two Azeris and two Russians. They beat me and scolded me, making me confess that I killed people. At the end of the interrogation I didn't read the protocol, I simply signed it."

During the questions of the prosecutor, it was found out that the witness didn't tell anyone, even his own advocate about being beaten by the investigators.

Complainant A. T. Arushanyan asked: "How did you learn that many Armenians lived in district 41A, none of you lived in that district?"

The answer: "I don't know."

Witness D. S. Zarbaliev (born 1966) was called. He didn't recognize any of the accused.

The witness basically confirmed his testimony given before (see indictment). During the questioning, it turned out that the father of the witness worked in the Police of Sumgait. To advocate Shaposhnikova's question: "Why didn't you call your father who was on duty at that time, and didn't not tell him what was happening in your district?" the witness answered:

"What was the point of calling him? The Police knew about it, everyone knew about it, it was not the first day of pogroms."

Witness Gasan Ya. Mamedov (born 1972) was called in; he was detained at that time.



"I don't know any of the accused or maybe I know but I forgot," the witness said.

"Tell us all you know about the events," the chairman suggested.

"Well, what events? On the 29th I entered the apartment of an Armenian and that's it," the witness answered.

"All right, you entered, what else? Tell us," the chairman continued.

"What shall I tell? I need a translator," the witness said.

"Certainly," the chairman agreed.

The prosecutor intervened: "Witness, what is your mother's nationality?"

"She is Russian," followed the answer.

"In what language do you speak to her at home?"

"In Russian."

After this question, the issue of the translator was dismissed.

The witness categorically denied all the testimony given at the preliminary investigation. The prosecutor, as well as the chairman, reminded him about the liability for perjury. The witness affirmed that in district 41A he didn't see the megaphone guy. Then the prosecutor announced the testimony of the witness on this case given at the preliminary investigation (see indictment). The witness said that he didn't give any testimony. When the prosecutor showed him his own signature under this testimony, he said after a long contemplation.

"Yes, I gave such testimony. It is true."

Then to the prosecutor's question: "Who beat the man taken out of the entrance?"

The witness answered: "It was me. I struck with a reinforcement bar three times. Once on the back, twice on the head. After that the man fell on the asphalt. I. Mamedov also struck blows, Fataliev and Magiramov threw the body into the fire."

Break was announced from 13: 59 to 14: 59.

The questioning of G. Ya. Mamedov continued. Answering the questions, he stated: "We went to make pogroms in the Armenian apartments. Everyone went, so did I."

"Why? What for? What did the Armenians do to you?" Advocate Rshtuni resented.

"I don't know, nothing," followed the answer.

(I looked at the chairman. He was sleeping. He woke up in about 7 minutes.)

Then the witness stated that after him Alexander Drach, nicknamed "Hitler"; the latter struck on the Armenian man's head three times with the blade of the axe, and he is free now. Telling about the fellow, who didn't let the Armenian man get out of the fire, the witness said that he didn't know that fellow, but gave detailed description of his features and his whereabouts.

Ira Melkumyan interfered here:

"The witness mentioned the surnames of those who threw my husband into the fire, Fataliev and Magiramov. Then he talked in detail about the fellow who was holding the reinforcement bar and didn't let my husband escape from the fire. I am asking where are these people? Why aren't they here?"

”To whom is this question?“ the chairman interrupted her.

”Both you and the witness,” Irina answered.

”You are not entitled to ask the court any questions. If you have any questions to the witness, you are welcome to do it,” the judge said.

According to the witness, Fataliev and Magiramov were detained. And the fellow who was keeping the Armenian man in the fire with a bar was still free. There is discontent in the courtroom. Why Fataliev and Magiramov aren’t here? Why the third thug hasn’t been detained yet? Witness Gasan Mamedov gave all this testimony at the preliminary investigation!

Witness A. M. Kerimov (born 1970) was called who was in the detention center.

”Who do you know among the accused?“ the chairman asked.

”I won’t testify, I was deceived,“ the witness stated.

”Who deceived you?“ the chairman wondered.

”I don’t know,“ the witness answered. ”Two men came and said that there was testimony against me. Then another investigator came and asked if I knew the man. I answered that I know him. Then I gave the testimony. Then the man who had given testimony against me, disappeared.”

The chairman interrupted him: ”We are interested in your testimony.”

”I won’t testify,“ the witness said again.

The prosecutor again explained the law on perjury to the witness and the refusal to give testimony made him subject to criminal liability. Kerimov insisted on his own. Then the court decided to announce his testimony in his absence, given at the preliminary investigation.

Witness A. K. Babayev (born 1966) was called; he was in detention for robbery, rape and other crimes committed on February 27-29, 1988 in Sumgait. He met the accused at the confrontation. The witness stated:

”On the 29th I was at home. I was detained a month later and I was told that there was some testimony against me. On that day, I was beaten at the town police department and my hands were burnt on a gas heater. But I, nevertheless, said that on February 29 I didn’t leave home. Then I told the investigator about those persons who had beaten me up. Then the fellows who had given testimony against me were bought in, after which I was sent to Baku. I was beaten in the presence of a colonel who came from Moscow.”

The chairman interrupted Babayev: ”Witness, we are not interested in your problems. We are interested in what you saw on February 29.”

”I don’t know what happened, since I was at home. I learnt everything later from the investigator,“ the witness said.

The chairman continued: ”What about the fact that on that day you had a gun, that you threatened?”

”The investigators ascribed it to me,“ the witness answered.

The prosecutor turned to accused Akhmedov: ”During the court hearing of the 19th of this month, you stated that the man named Anagi Babayev put the gun into

the crack of the door and threatened to shoot, is that correct?”

“I was forced to say that at the preliminary investigation,” Akhmedov started to say.

“Yes or no?” The prosecutor interrupted him: “Did you give such testimony in court?”

“Yes,” the accused answered.

The prosecutor continued: “Witness Babayev, what will you say about this?” The answer was: «On that day I didn’t leave home at all... Actually I have health problems, I have poor memory, I was in hospital before joining the army, and I sometimes have seizures.”

A break was announced. The trial continued the next day at 11: 00.

## **WEDNESDAY**

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***November 2, 1988.***

**11:07.** Questioning of witness A. Babayev continued. He still claimed that on February 29 he didn’t leave home. The prosecutor asked Ahmedov:

“During the confrontation with Babayev, did you confirm that he was in district 41A?”

“Yes,” Akhmedov answered, “but I was forced by the investigator to confirm it. I was told that Babayev had already confessed that he was in district 41A.”

Then the prosecutor announced the testimony of accused Akhmedov (as a witness on the other cases, related to the crimes, committed in district 41A) given after the end of the investigation on his case on September 6. In this testimony, Akhmedov told about Anagi Babayev’s participation in the pogroms of district 41A. After hearing this, Akhmedov cried out: “It is not true, he was not there. I first saw him at the confrontation.”

“Witness Babayev, you claim that you have poor memory. In that case how could you remember that on February 29 you were at home,” the prosecutor asked.

“I remember,” Babayev answered, “because on that day I was not in district 41A at the crime scene. Besides, I hosted my relatives on that day who came to visit me and can confirm that I was at home.”

Then the witness again claimed that he was forced to give false testimony, his hands were burnt on the stove. The prosecutor asked the doctors who were in the courtroom to check, if witness Babayev had traces of any burns on his hands.

After examination, the doctor stated that no such traces existed. “Witness, remember, you will be subject to criminal liability for perjury with another criminal article added to your sentence,” the prosecutor stated.

After the end of the questioning, the witness asked permission to ask the chairman

or the prosecutor a question. The chairman refused him, after which Babayev was taken away from the courtroom.

Witness M. B. Ilyasov (born 1961, Russian) was called. He didn't recognize any of the accused.

The witness stated:

"...From my apartment I saw a black car (GAZ-24) driving to our district. Two men from the crowd approached the car. I think, there were two other men in the car. Not leaving the car, the people, sitting in the car, said something to those, who came up, and they immediately got back to the crowd. After this, there was a new wave of pogroms with more outrage... In our district I noticed bulletproof soldier vests... when the APCs drove from the direction of the dairy factory, I became happy, thinking that they would try to stop the pogrom but alas..."

"What did you do in this situation?" the chairman asked.

"Nothing. First of all, I was afraid for my family. Everything was uncertain and terrifying, there were APCs in the downtown, and people were being killed in our district. I didn't know what would happen later. What if they started killing the Russians after the Armenians? Secondly, everyone was armed with something, mostly, reinforcement bars."

Answering to the prosecutor's questions related to the black "Volga", the witness specified that he couldn't state anything for sure but everything was associated with the car: its unusual arrival at the district, the fact that the car was not attacked, like the other cars, the way the negotiations were conducted between the people in the car and the thugs from the crowd, and lastly, how events developed with new intensity. All this was extremely suspicious and inexplicable from other points of view. Then the witness stated: "I think they had known the addresses of the Armenians in advance. I made this conclusion, due to the fact that the thugs precisely went into the entrances where Armenians lived... On the 28th, in the morning I noticed heaps of stones in the street, which blocked the roads preventing any retreat. There were cube blocks among the stones (besides broken bricks and slag which are on the landfill which can't be found anywhere, they were brought in on purpose... On February 29, I saw adults throwing stones at the APCs, and the APCs were retreating.

To the question where did the crowd get the reinforcement bars, the witness answered: "First of all, they could get them at our factory, as well as at other factories, for example, at the concrete products plant. I have never seen such bars before."

The prosecutor asked: "Did you have an impression that all of that was organized in advance, that these rods were specially prepared, these stones were brought, and the addresses of the Armenians were found out in advance?"

"I would say yes, yet I can't assert it," Ilyasov answered.

"Then please explain, if they knew the addresses of the Armenians, then why did they ask for the addresses of Armenians, using the megaphone?" the prosecutor asked.

Answer: "It was pressure on the human psyche, it was a demonstration. When the crowd came to our district, the thugs immediately broke into the entrances, where the

Armenians lived. The fact that they were asking for the addresses of the Armenians, using the megaphone, was more like a demonstration, pressure on the human psyche. As a matter of fact, they knew all the addresses of the Armenians, they acted without mistakes.”

Answering to the question of advocate Yashin, the witness clarified:

“...All this was not driven by hooligan motives, it was a campaign targeted against particularly one nation, against the Armenians. Not against the Russians or other ethnic groups, but against the Armenians. They were particularly looking for Armenians.”

Returning to the episode, related to the black “Volga”, advocate Yashin asked:

“Do you exactly remember that this car was GAZ- 24? Do you differentiate, say, GAZ- 24 from GAZ-31?”

The witness, smiling, answered:

“I see the difference not only between GAZ-24 and GAZ-31, but their different makes. It was GAZ-24, first issue.” Then the witness showed the route of that “Volga”.

A break is announced from 13:38 to 15:00.

After the break, the court decided to question witness Marine Ambartsumyan (born 1968) behind the closed doors.

Marine Ambartsumyan that fatal day, February 29, 1988, together with her parents was in the apartment of the Melkumyans. A miracle saved her.

“Who do you recognize among the accused?” the chairman asked. “I know this beast,” Marine named Akhmedov.

She was weeping. The chairman asked her to tell them everything she saw and knew on this case. Calming down, Marine started speaking: “On the 27th the pogroms started in our district. We were hiding in the neighbor’s apartment until 1a.m. (the night of the 27th and the 28th). Then we came back to our apartment and couldn’t sleep until the morning. In the morning, having packed the valuable things, we went to the Melkumyans’ apartment; we thought it would be safe there.”

She was weeping. Her mother, Ambartsumyan Jasmine, was also crying...”When they started to smash the door, I, together with my mother, Irina, Karina and the children climbed into the balcony of our Azeri neighbor. When the neighbors rejected us and started threatening, I came back, returned to my father...”

She was weeping. She calmed down a little, then continued:

”We all propped up the door. They made a crack in the door with the axe. Akhmedov poked the gun through the crack and threatened to shoot if we didn’t open the door. I begged them not to do us any harm. They were rather happy, when they learnt, that there were many of us in the apartment... Finally, they broke the door and the crowd broke into the apartment. My father covered me with a sheepskin coat and we could hardly go downstairs, receiving many blows. When we left the entrance, we were immediately assaulted. I was dragged away from my father...”

Marine was sobbing; just like all the other victims...

“Meanwhile somebody hit my father on his head with an axe. He could only say “Ah!” and fell down. I was dragged away and I haven’t seen ever since...”

Marine wept aloud, her mother wept too, many people were weeping. The doctors came to help, and gave tranquilizers. Marine refused to describe what they had done to her. Later on, she said crying:

“It is such a pity, a shame that only the three of them are sitting here. There were not three, but three hundred. Even ten people couldn’t have killed my father. He was very robust...”

Upon the motion of advocate Rshtuni, Anagi Babayev whose interrogation ended in the morning was brought into the courtroom for identification. The witness was weeping. Turning back and seeing Babayev, she made an attempt to hit him on face. However, the guards, standing nearby, immediately prevented her from doing it. Marine was weeping loudly.

“They are doormats, not real men...”

The doctors calmed down her and her mother. The accused person was taken away. A break was announced.

After a while, the trial resumed. The chairman advised that he received a statement, where it is said, that accused Akhmedov behaved defiantly, trying to negotiate with the Azeri witnesses, during the break he was shouting at witness Babayan, ignored the warning of the guards. Hence, the judge strictly reprimanded accused Akhmedov. Then, at the request of the chairman, the secretary of the trial read the testimony given at the preliminary investigation by Elgar Kerimov, who refused to testify in court yesterday.

“... The fellow with the megaphone left the third entrance, when the man and the girl were taken out. At that time the girl was separated from the man, and the man was knocked down. He cried out: “Give me my daughter!” The fellow with the megaphone came up and hit him on the back from top down. The man fell again after the strike. When he started getting to his feet, Yavar hit him on the spine by an entrenchment shovel... Then I went to see, what happened to the girl. She clutched her hands to an iron pillar. They were tearing the girl’s clothes apart. She begged not to undress her...”

There was clamor in the courtroom, screaming was heard. The brother of victim Marine Ambartsumyan was extremely annoyed and infuriated, he was crying out something... Jasmine Ambartsumyan (Marine’s mother) was weeping.

16:55. A break was announced. The trial continued the next day at 10:00. Everybody left. The court officer came and called for calming down and patience. The poet Silva Kaputikyan spoke: “How can we behave otherwise? Look at this weeping woman!” She pointed at Jasmine Ambartsumyan. “The people have been reduced to this condition, that’s why we are weeping now!”

## THURSDAY

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***November 3, 1988.***

**10:33.** Advocate Rshtuni asked for permission to read his motion. Receiving the permission, he approached the microphone and started:

**“TO THE JUDICIAL BOARD ON CRIMINAL CASES OF THE SUPREME  
COURT OF THE USSR**

**Re: the case against A. I. Akhmedov, Ya. G. Jafarov  
(as filed by the representative of the victim J. Ambartsumyan advocate R. V. Rsh-  
tuni, Law offices, Orjonikidze district of Yerevan)**

**MOTION  
FOR SUMMONING NEW WITNESSES AND REQUESTING DOCUMENTS  
(based on article 276, CPC, RSFSR)**

Having the purpose of comprehensive, full and objective investigation of the circumstances of the case, that is, as required by article 20, CPC, RSFSR, it is necessary to request the below mentioned documents from the prosecutor's office in charge of the investigation of the cases concerning the riots in Sumgait, Az, SSR on 27-29 February, 1988 accompanied with murders, robberies and other crimes, as well as to summon and question a number of new witnesses to the trial.

1. In the course of preliminary investigation Arsen Arakelyan, the son of late A. Arakelyan and victim A.T. Arakelyan was questioned. (vol. 5, p. 130).

In his testimony, he gave a detailed account of the atmosphere in district 41A on February 29, 1988. He described unprecedented facts of nonfeasance and indifference of the medical personnel and officials of the Ministry of Internal Affairs he faced when he attempted to help his mother, who survived by miracle.

His questioning is necessary to fully reconstruct the atmosphere in district 41A, in Sumgait, the nonfeasance of medical personnel and police officials of Sumgait, particularly, regarding the events in district 41A.

2. The materials of the case, verified at the trial, demonstrate that the nine military units deployed in Sumgait on February 28-29 for the maintenance of law and order didn't take necessary measures to prevent the committed crimes and safeguard the civilians, particularly, in district 41A. Their role was reduced to self-defense, as a result, 276 military men suffered. (vol. 2, c. 33).

To shed light on the reasons for the nonfeasance of the military units deployed in Sumgait with the purpose of maintenance of law and security of the civilians, it is necessary to question the commander of the military units deployed in Sumgait, General Krayev.

3. The case material, verified in the court, demonstrates that on February 27-29, 1988 telephone lines were disconnected in the apartments of Armenians, particularly,

in district 41A. The incomplete lists of citizens whose telephones were disconnected (attached to this motion) demonstrate the same. For the verification of the reasons for the disconnection of telephones in the Armenian apartments on February 27-29, 1988, particularly, in district 41A, it is necessary to summon the head of the Communications department of Sumgait for questioning.

4. At the trial, victims K. and I. Melkumyans, and J. Ambartsumyan specified that shortly before the mass riots in district 41A (at about 17:00) the house superintendent T. Takhmazov came to see the Melkumyans and convinced them not to leave home in order not to face danger. The Melkumyans and the Ambartsumyans who previously intended to go to the Melkumyan's summer cottage stayed home following his advice but in a short while their house was exposed to pogroms. Five members of the Melkumyan family and M. Ambartsumyan were brutally killed. Besides, the mentioned victims specified that T. Takhmazov visited the Ghukasayans, House 5B, with the same advice, whose apartment was exposed to pogroms too, shortly after that conversation, but the Ghukasayans survived since they didn't follow T. Takhmazov's advice and soon after their conversation they left their apartment, taking cover at another place.

Witness T. Takhmazov, questioned at the trial, despite of the testimony of the mentioned victims asserted that he visited the Melkumyans at the request of S. Melkumyan, and not at about 17:00 but at about 11. He has nothing to do with the tragedy that happened to them. At the time mentioned, he was summoned by the chairman of the executive committee of the city council Mamedov as well as other managers, chief engineers, experts of the housing management office where all of them stayed doing nothing till midnight, after which they were let go home.

For the verification of T. Takhmazov's testimony, as well as for the verification of the reasons why all the officials of the housing management offices were gathered in the town executive committee without any necessity at the time of big trouble for Sumgait, it is necessary to summon and question the chairman of Sumgait executive committee Mamedov, the head and chief engineer of the housing management office where house superintendent T. Takhmazov worked.

It is also necessary to repeatedly summon and question Mr. Ghukasyan (address: Arm. SSR, Kirovakan, Amiryan Street).

5. From the testimony attached to this motion made by the former secretary and typist in the administration of vocational schools of Sumgait, Susanna Sagatelyan, it was evident that in the morning of February 28, 1988, the deputy manager of the administration Muslim Kerimov instructed her to make the list of all the Armenians working at the vocational schools.

To verify the authenticity of S. Sagatelyan's statement and to disclose the motives for making the list of the persons working at all the vocational schools based on their ethnicity, it is necessary to summon to the trial and question S.R. Sagatelyan (presently lives in Yerevan, attendance will be provided) and the deputy director of the administration of the vocational schools of Sumgait M. Kerimov.



6. Witness T.Takhazov in his testimony at the preliminary investigation (vol. 7, pp. 162-163) and at the trial explained that on March 1, 1988 the head of the housing management office-12, Mamedov, as instructed by the representative of the Central Committee of Communist Party of Azerbaijan in Sumgait Mr. Ganifayev, ordered to remove all the evidence of pogroms and the broken belongings to the town landfill, to burn and bury them.

For the clarification of the motives for such haste in the liquidation of evidence which could include information on the perpetrators needed for the investigation, in particular, in district 41A, it is necessary to call to the trial and question Mamedov, the head of the housing management office-12 (regardless of his questioning on issues concerning paragraph 4 of the present motion) and Mr. Ganifayev, the representative of Central Committee of Communist Party of Azerbaijan in Sumgait.

7. The materials of the case demonstrate that within the period of February 27-28, 1988 the bodies of internal affairs of Sumgait were inactive, passive observers of the gross violations of law. They didn't react to the numerous reports about riots in the town, murders of Armenians, robberies, and other crimes, including the ones in district 41A.

The telegram attached to this motion demonstrates the instigatory role of the former first secretary of Sumgait Communist party committee of Azerbaijan as evidenced by the criminal case against A. Rzayev and others currently examined in Sumgait by the judicial panel Voronezh district court.

For the clarification of the reasons for nonfeasance of the bodies of internal affairs of Sumgait on February 27-29, 1988, as well as the complicity of the authorities of Sumgait, particularly, Muslim-zadeh in the riots, it is necessary to summon to the court and question the chairman of the executive committee of the city council of Sumgait (regardless of his questioning on issues concerning paragraph 4 of the present motion) and the former secretary of Sumgait Committee of the Communist party of Azerbaijan Muslim-zadeh, and A. Rzayev (detained in Sumgait), as well as to request the copies of the testimony of A. Rzayev from the criminal case against A. Rzayev and others.

8. Witness Valentina Dobzhanskaya was questioned at the preliminary investigation of the separate criminal case against A. I. Akhmedov and others (vol. 6, pp. 21-24).

In her testimony she specified that in the night of February 28 to 29, 1988, she saw a short, skinny man dressed in a black fitted coat of Italian style with buttons in district 3 of Sumgait. She remembered his face and could identify him. His pockets were filled with stolen things, the coat and hands were in blood. The handkerchief he used for cleaning hands was stained with blood. The thug held a big shining knife. He approached the man of about 35-38 standing nearby, dressed in a sheepskin coat, whom she could also identify, and said, that they couldn't cope with the Armenians who had taken hostages. The man, dressed in the sheepskin coat answered that it couldn't be left like that without action.

Then, witness V. B. Dobzhanskaya asserted that she saw a corpse nearby and understood that she saw murderers and left that place.

Then she saw the same thug dressed in a black coat during the riots in district 41A on February 29, 1988. He was among the people battering the man and the woman taken out from house 5A (obviously, she talked about the Arakelyan spouses.) The thug held a flag in one hand and an axe in the other hand.

Next time the witness saw the same thug when the girl from house 2B was tortured and another time on the balcony of the last, 6th entrance of house 2B, approximately on the 3rd-4th floor.

In vol. 7, p. 236, there is a minutes of identification in the photo album by witness V. B. Dobzhanskaya of the two men mentioned by her in the minutes of the questioning.

The identification minutes are as follows:

“In the photo album, provided to me, I can identify the men under photos # 6 and #7. I saw them on 28.02.88 at about 23:00 in district 3 at the distance of no more than 3 meters. I spoke to the man in photo #6. I have already mentioned it in the minutes.”

In the minutes of identification, at the same time, it was mentioned that identification data on these persons were in the note attached to the photo table. Neither the photo album, nor the photo table with photos number 6 and 7, nor the note attached to it were found in the materials of the present criminal case

Witness V. B. Dobzhanskaya was in the list of the persons subject to summoning to the court under number 34. However, she was excluded from the list by the ruling of the court session. Moreover, witness V.B. Dobzhanskaya at the preliminary investigation identified Adolyat Safarov and Akhmed Akhmedov in the photo (vol. 7, p. 237).

It is necessary to summon and question witness Valentina Dobzhanskaya for the identification of at least one more unknown participant of mass riots in district 41A in Sumgait, as well as for the clarification of the actions of A. Safarov and A. Akhmedov, and where and under what circumstances she observed them.

It is also necessary to request the photo album given to witness Dobzhanskaya for identification in which she identified 2 persons under numbers 6 and 7 as well as the note attached to the photoalbum with identification data of these persons from the investigatory group of the USSR Prosecutor's office in charge of the investigation of mass riots in district 41A in Sumgait.

Based on the above, I request to summon to court the following persons as new witnesses and question them at the trial:

- A) Arsen Arakelyan, son of victim A. T. Arakelyan.
- B) General Krayev, commander of military units deployed in Sumgait to maintain law and order in the town.
- C) the head of communications department of Sumgait, who held that post on February 27-29, 1988.
- D) Mamedov, who held the post of the chairman of city executive committee in

late February.

E) Mamedov, head of housing management office-12, who held that post in late February 1988.

F) Chief engineer of housing management office-12, who held the post in late February 1988.

G) A. Ghukasyan, former resident of house 5B, district 41A, Sumgait.

I) S. Sagatelyan, former secretary and typist in the administration of vocational schools of Sumgait.

J) M. Kerimov who in late February held the post of deputy director of the administration of vocational schools of Sumait.

K) Ganifayev, representative of the Central Committee of Communist Party of Azerbaijan in Sumgait during the mass riots.

L) Muslim-zadeh, former secretary of Sumgait Communist Party Committee.

M) A. Rzayev, accused on the case against A. Rzayev and others.

N) V. Dobzhanskaya, the witness questioned at the preliminary investigation.

2. To request the following documents:

a) copies of A. Rzayev's testimony from the criminal case against A. Rzayev and others which is in the proceedings of Voronezh district court;

b) the photo album and the attached note with identification data shown to witness V. Dobzhanskaya for the identification, from the investigatory group of USSR Procuracy investigating the mass riots in Sumgait.

*Attachment on 13 pages*

*Advocate R.V. Rshtuni*

*November 3, 1988, Moscow*

Applauds in the courtroom followed by the chairman's warning. All the victims unanimously supported the motion.

Advocate Yashin didn't express his opinion on the motion and left the resolution of the question to the court's discretion. The advocate of Ismailov expressed the same opinion. However, the advocate of Jafarov didn't support the summoning and questioning of Krayev, Muslim-zadeh and other high-profile persons. The prosecutor requested one hour for deliberations and familiarization with the motion. The chairman approved the request of the prosecutor and announced a break for an hour and half. The trial resumed at 12:30.

12:39. The prosecutor made a speech:

"I read the motion and I can say the following. I believe... the motion to summon and question witnesses Arsen Arakelyan, Ghukasyan and Dobzhanskaya must be upheld. As for the summoning and questioning of other persons, they don't have direct connection with our case... Thus, I believe these questions must be solved afterwards, if necessary, during the trial..."

Clamor in the courtroom.

The judicial panel after deliberations decided to partially uphold the motion of advocate Rshtuni on the spot: to summon and question witnesses Arakelyan, Ghukasyan, and Dobzhanskaya, head of communications department, head and chief engineer of housing management office-12, and to request the photo album and Rzayev's testimony from the USSR Procuracy. The summoning and questioning of other witnesses were not considered expedient by the court.

Dissatisfaction was growing in the courtroom.

Advocate Shaposhnikova took the floor and made a statement:

"Honorable judges! In that case we have another, just as important and responsible statement to make. However, the text of the statement is not ready, and we request twenty-four hours for its preparation."

The judicial panel, deliberated in the court and decided to uphold the request. 13:00. A break is announced. The trial will continue tomorrow at 15:00.

## FRIDAY

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### *November 4, 1988*

**15:01.** The trial began. The people in the courtroom were impatiently waiting for the motion of advocate Shaposhnikova she mentioned yesterday. However, on November 4 this motion was not read.

The chairman asked the secretary to read the surnames of the witnesses who failed to report to the trial. The secretary read: "From the people called to court on October 21: A. G. Aliev and V. M. Airapetyan didn't come to court. Witness Aliev provided a notification, certifying that he was on a long-term business trip. As to witness Airapetyan, there is a certificate that his address was registered in Sumgait, but at the moment he didn't live there and his current address was not known. From the people, called to court on October 24, A. I. Arkhipov and Z. Z. Rzayev didn't appear in court. Arkhipov sent a telegram that he was on a sick leave. As to Rzayev's absence there was a telegram from his mother.

In said that she couldn't let her under-aged son come to the trial, since she is worried about her son as the relatives of the accused more than once threatened with retaliation. At the end of the telegram the mother wrote that her son (witness Rzayev) confirmed all the testimony given at the preliminary investigation. From the witnesses called on October 25, M. L. Melikov, A. A. Melikova, M. S. Allakhverdieva, V. I. Mirzoyeva, A. P. Periev, Sh. Ts. Aivazyan, and A. A. Babayan didn't come to the trial. The Melikov witnesses provided a telegram where they explained their absence by sickness and confirmed their testimony given at the preliminary investigation. Allakhverdieva informed in the telegram that she confirmed her testimony, however, she couldn't come to the trial due to family circumstances. Witnesses S. A. Mirzoyeva and A. P. Periev provided similar telegrams. Witness V.I. Selenov's wife provided a telegram, where she wrote, that her husband could not attend the trial due to being

in Orenburg region. As to Sh. Ts. Aivazyan's absence there were two certificates. In a certificate from Sumgait, it was written that he had moved to Kislovodsk and made it his current domicile. A note was received from Kislovodsk which said that Mr. Sh. Ts. Aivazyan was not registered in Kislovodsk and his location was not known. Babayan's address was not known presently. A note received from Sumgait said that he was registered at the given address but he didn't live there."

Then E. Kerimov's testimony was read:

"...I saw Yavar striking a young man either by a shovel or by axe. After a while, I came back to the same place. There was already a fire burning..." At the confrontation with Jafarov, Kerimov confirmed the testimony with which Jafarov agreed.

I. G. Aliev's testimony, given at the preliminary investigation, was announced:

"...A naked woman was sitting on the asphalt, trying to cover her nude body with some rags. At that time, somebody hit her with a shovel on the head. She fell down. When she wanted to get to her feet, she was hit one more time. Coming to her senses, she started to crawl into the entrance but she was dragged back... At about 20:00 at the transformer booth I saw a naked man beside glowing charcoals. His body was burnt."

Witness V. M. Airapetyan's testimony at the preliminary investigation was announced:

"...Through the megaphone, the man said in the Azeri language: "Azeris! If you consider yourselves true Muslims, show me where the Armenians live. I must take revenge on them, for they have shown me the blood of our mothers and sisters on their knives. If you show me, I will show you the blood of the Armenians on my knife!" With these words, he raised his hand holding a big kitchen knife about 25 cm long. About half of those who surrounded him, also raised their knives, screaming threats and dirty words against the Armenians. Seeing that nobody disclosed the addresses of the Armenians, he looked in his notebook, after which he led the crowd to the entrance where Armenians lived..."

Witness Arkhipov's testimony:

"...From the balcony I saw a young man with a bleeding face running down the road... About 15-20 people were chasing him.... He was caught and struck on the back of his head by a huge stone. He fell down. The others, who ran up to him, started striking numerous blows on his head with entrenchment shovels... After which he was covered with differen things and burnt... He moved his legs and tried to get out of the fire, however, the ones standing nearby pushed him back into the fire..."

Z. Z. Rzayev's testimony.

"...The megaphone-man organized the crowd (about 30 people) and led to house 5A. When I approached the house, I saw a bending man in a checkered shirt and trousers standing at the entrance. He covered his face with hands; the men around him were battering him with batons. Then that man fell down on his face. Then the megaphone-man struck him on his back with a cutlass. The man didn't move any more. The megaphone-holder was the last one to strike. There was blood left on his meat

chopper after the strike and the megaphone–man later wiped the cutlass with the carpet with which he covered the man before burning him...” At the confrontation with accused Ismailov, witness Rzayev said: “Ismailov walked with the megaphone-man all the time...”

Witness Allakhverdieva’s testimony. She stated approximately the same as witness Arkhipov. At the preliminary investigation, she identified the man with the bloody knife in the photo album. However, she refused to identify him at the confrontation explaining that she was scared for her life.

Testimony of S. A. Mirzoyeva, neighbor of the Melkumyans. At the preliminary investigation, she stated that a group of thugs threw stones at the windows of the Melkumyans. Then Karina Melkumyan with her three-year old son Sergey and five-year old daughter Kristina, Irina Melkumyan with her three-year old daughter and a woman named Jasmine climbed from the neighboring apartment into their balcony. The women were very frightened and asked to hide them. Having let them into the apartment, she went to the balcony, overlooking the street. She saw Sergey, Raisa, Ira, Igor and Edik Melkumyans and their relative Misha taken out of the entrance. They were being battered with metal rods and reinforcement bars. Edik was battered at house 5V. Ira was dragged to the transformer booth. Raisa was also beaten in the yard, then she saw that Edik’s and Ira’s corpses were poured with something and burnt.

17:00. A break was announced. The trial will continue on November 10 at 10:00.

When everybody was leaving the courtroom, the father of accused Ismailov told the Armenians: “All of you must be treated like that.”

The Armenians immediately got furious. Some men in plain clothes were trying to calm the Armenians down; however, they lost their temper. Everybody justly demanded from the law enforcement officials who heard Ismailov’s father’s words to take measures. However, Ismailov’s father left the courtroom unhindered. The police were called. They came when everyone was coming downstairs to the exit. Leaving the building, the Armenians gathered in front of the entrance and started chanting: «Shame on you! Shame on you!» In 30-40 minutes everyone left.

## THURSDAY

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**November 10, 1988.**

**10:14.** The secretary of the trial announced the additional witnesses who arrived. Then advocate Rshtuni made a statement in addition to the motion made on November 3.

### SUPPLEMENT TO THE PREVIOUS MOTION

Taking into consideration that the motion of November 3, 1988 to summon and question the former first secretary of Sumgait municipal committee of the Communist Party of Azerbaijan D. M. Muslim-zadeh has not been resolved yet, we believe the need for his presence is confirmed by the telegram sent to USSR Supreme Court Chairman V. I. Terebilov and the presiding chairman on the present case, member of the USSR Supreme Court R. K. Brize:

“At the Plenum of Central Committee of the Communist Party of Azerbaijan on May 21, 1988, the former first secretary of Sumgait municipal committee of the Communist Party of Azerbaijan D. M. Muslim-zadeh also accused the republic’s leaders for the tragic events in Sumgait. He spoke in more detailed manner at the bureau of the Central Committee of the Communist Party of Azerbaijan the day before his personal responsibility was examined, which you can find in verbatim transcripts. We participated in this Plenum, and we invite your attention to Muslim-zadeh’s statements. We ask you to clarify this question during the court proceedings.”

[signed by] The First Secretary of Nagorno-Karabakh Regional Committee of the Communist Party G. A. Poghosyan, First Secretary of Stepanakert municipal committee of the Communist Party Z. M. Movsisyan, First Secretary of Martuni regional Committee of the Communist Party V. S. Grigoryan, First Secretary of Hadrut regional Committee of the Communist Party G. L. Bagiryan, former First Secretary of Mardakert regional Committee of the Communist Party E. V. Vartanyan, former First Secretary of Martuni regional Committee of the Communist Party S. K. Petrosyan.

In addition to the statement of November 3, 1988, we provide the address of D. M. Muslim-zadeh: 370010, Baku, 54 Nizami street, telephone: 92-59-01, cooperative “IVEKS”.

Taking into consideration that the given telegram has important probative value, we request:

1. To attach the mentioned telegram to the criminal case against A. Akhmedov and others.
2. To take this telegram into account when examining our motion of November 3, 1988 to summon and question D. Muslim-zadeh.

*Advocate*      *R.A. Rshtuni*

*Advocate P. L. Shaposhnikova*  
*November 10, 1988*  
*Moscow*

The questioning of witnesses summoned to court based on the motion of 03.11.88 (S. Sagatelyan and V. Dobzhanskaya didn't come to the court).

Witness A. A. Arakelyan (born 1966). He didn't know any of the accused. The witness went said:

"Previously I was a student at Azerbaijan Polytechnic Institute. On February 29, in the morning at 7:30, I went to the bus station to go to Baku to attend the lectures. There were many soldiers with batons at the bus station. My father was with me; he came to see me off. At 8:00 a.m., I managed to get into the bus and go to Baku. E. Jabarov studied at the same institute with me; he was an Azeri from Sumgait. He told me that he saw a pregnant woman being undressed and tortured... When I came back to Sumgait on the same day, I saw many APCs.

There was much blood at the bus station, many stones and some underwear. Not far from the bus station the Armenian apartments were being ruined, although the APCs were patrolling nearby. Everyone saw it. But to my surprise, the APCs didn't come to the rescue... I went to our district and at once noticed that there were also people in our balcony. They were all dressed in black. My neighbor auntie Anya ran up to me and said: "Arsen, run away, or else they'll kill you too." I didn't know where to run and who to ask for help... The city party committee was nearby... There were many soldiers and APCs there... The city party committee was guarded very well. Not far from there, people were being killed... When it already was dark and everyone left the place, I approached our house. Everything was destroyed, there were pogroms. I came upstairs to my apartment. The door to the apartment was broken... I entered the apartment and didn't recognize it, everything was broken, and nothing was left the way it was before... I came downstairs; I wanted to leave. An acquaintance of mine approached me and said there was a woman not far on the asphalt and she was still alive. I came up and saw that it was my mother (Arsen is crying)...

I rushed to get a car. I was trying to stop cars. I explained to them what happened. I begged them, but they wouldn't help. Then, I ran to the ambulance center, it was not far. A woman was sitting there and I started entreat her for help. She said: "Call the Police." I asked her to make the phone call, but she answered that they had no telephone there. I left and started stopping ambulances. Again, nobody wanted to help. Then I went to the fire department to make a call from there. However, I was not allowed to make a phone call. I was told to call from the gas maintenance office. I called the Police twice from the gas office; the response was "wait". But no one came to help. I went to the 8th Police department. After long begging, they finally drove a lorry to our district. They wanted to place my mother into the body of the lorry, but I didn't agree and took her into the cabin. We rode to the ambulance medical center... There, my mother was seated on the concrete floor. I asked the doctors to give my mother



some clothes to cover her with. They didn't give her anything and even started scolding me. The doctors were standing, talking to each other and wouldn't help. Then I had to take my mother in the same lorry to a hospital. There were doctors from Baku. She was taken to Baku...

Thereafter, I started looking for my father. I had no documents on me, so I was not allowed to go back to Sumgait, there was a curfew. And once an investigator came to the hospital and said he wanted to interview me. We went to his office. He said there were unidentified corpses. We went to the mortuary. There were lots of corpses, and the investigator showed me two corpses. One had a broken head. The other one was absolutely charred. Showing the latter, the investigator asked me: "Do you recognize him?" I couldn't identify him. Then I remembered that my father had golden teeth... I identified my father thanks to the teeth and to the little toe. (Arsen is weeping)...

Witness M. Omarov (born 1944), head of communications department of Sumgait was called to the courtroom. He didn't know any of the accused.

"On Sunday, on the 28th, in the evening, communication lines were overloaded. That's why about 300-400 phone numbers went out of order. According to the law, certain telephone numbers can be disconnected in such urgent situations with the permission of the Minister of Communications. In the morning of the 29th, I tried to contact the Ministry. However, I didn't manage to do it. I contacted the head of the directorate. He consulted with the deputy minister and said: "Act under the instruction". After that, we started disconnecting the telephones of the subscribers. We took into consideration the list of telephone numbers not subject to disconnection (police, Soviet, Communist Party and law enforcement bodies). Communication was completely fixed on March 2."

Answering to advocate Shaposhnikova's questions, the witness said that:

"On the 27th I was called to the municipal Communist Party Committee. There the chairman Mamedov and the 2nd Secretary of municipal Communist Party Committee Bayramova instructed me to install microphones at the square for a public rally. We installed the microphones, but they were not needed, they were not used. The microphones were also installed on the 28th. On that day, there was a rally. I don't know what the town authorities talked about, using the microphone, since we were sitting in a special room where the equipment was and watched the amplifiers and other equipment."

Victim J. Ambartsumyan claimed that the witness was lying, since she personally saw and heard the rally on the square in front of the city council on the 27th, and the speakers spoke through the microphone. Advocate Rshtuni asked:

"Please, tell us, what is it? An MP's badge?"

Answer: "Yes."

"Were you, as a member of the city council, given any instructions from the council?" asked Rshtuni.

Answer: "No, I was not given any instructions."

To the question, if it is possible to find out (based on the instruction), what tele-

phones were disconnected, the witness also gave a negative response.

After several questions, the prosecutor advised the court that the USSR Procuracy received numerous complaints from the Armenians of Sumgait to the effect that on those tragic days the telephones of the Armenians were intentionally disconnected.

“...The inspection showed, the prosecutor said, that these statements were mere speculations. The workers of communications department of Sumgait acted properly on those tragic days, according to the instructions, disconnecting the telephones of the subscribers for maintaining uninterrupted communication with the party, Soviet and law enforcement bodies, medical institutions and so on.... Not a single worker of the communications department of Sumgait was held liable. This decision of the USSR Procuracy was printed in the media.”

Witness A. M Ghukasyan (born 1950) was called to the courtroom. He didn't know any of the accused. He said that:

“...On the 28th I left home and wanted to visit my mother who lived in the old part of the town. But the transportation didn't work, there were no taxis. I went there on foot. On the way, an unknown woman approached me and advised me to get back at once, since something terrible was going on at the bus station, Armenians were being killed. Then it turned out that this woman was the mother of my student. I involuntarily remembered the Armenian genocide in Turkey in 1915. I know quite well about it, since my grandmother went through this Genocide and she was the only survivor among all the other relatives. I returned home. I carefully told my wife about the upcoming danger, hiding it from my son and daughter... So I started worrying. I left home and tried to get a car to leave the town... No luck. We had to stay at my Azeri neighbor's place that night. In the morning of the 29th, they went to work and we came back to our apartment. We tried to leave the town somehow, but didn't manage to do it... Superintendent Takhamzov came and told us that the situation in the town was tense and advised us not to leave our homes... From my Azeri neighbor's apartment, I tried to phone my friend (an Azeri) hoping to hide my family at his place. But I didn't manage to call him.

Going out to the balcony, I was shocked to see the situation in the district. Everyone was standing on their balcony and waiting for something. As if it was some sort of performance. I felt sick. Then an acquaintance of mine came and told us to leave as soon as possible, since some people were already on their way to our apartment. Then again, I had to turn to my neighbors who had hosted us for the previous night. We managed to move into their apartment with great difficulty and caution (it was in the next entrance) right before the crowd came to our district... The pogroms started... Finally, they got to our apartment. We could hear through the wall how the apartment was being ruined... After appalling pogroms, the crowd left the apartment.

An APC reached our district. It collected the Armenians from their apartments. The apartment owner, where we were hiding, went downstairs to the APC to tell them about us. But the APC was already full, and he was told that another vehicle would drive up later. But it never came. Then in the evening, not wanting to be burden the

hosts, we went outside and went to the city council. An APC gave us a lift on the way....

The cruelty of these people made left a deep imprint on me. These thugs approached the corpses, looked at them, and turned them with legs..."

The prosecutor interrupted the witness:

"Tell us who saved you? A man of what nationality?"

"I have already told you, my Azeri neighbor."

"From whose apartment did you call your acquaintance? From the Azeri family's apartment?" the prosecutor continued.

"Yes," Ghukasyan answered quietly.

Discontent in the courtroom.

"Who warned you about the danger? An Azeri?"

"Yes," the witness answered.

The prosecutor extremely aggravated the situation in the courtroom by this question.

"So when in trouble, you turned to for help to the Azeris?"

An outburst of outrage in the courtroom. One of the people present in the courtroom (Hambartsum Galstyan) cried out: "A heroic nation."

The chairman immediately ordered him to leave the courtroom. Then a young woman got from her seat and said:

"I am Anahit Bayandur, member of the Union of writers of Armenia. I protest. The court has demonstrated biased attitude to the trial. As a sign of my protest, I am leaving the courtroom.

Following her:

"I am Maro Margaryan, member of the Union of writers of Armenia, I protest. It is not a trial, it is a show. I demand to stop the trial immediately..."

All the victims got to their feet and left as a sign of protest. Almost all the others stood up, following them and also left the courtroom, crying out in indignation.

The chairman asked the rest of the people to take their seats. The prosecutor turned to Ghukasyan:

"Tell us anyhow. Do you put an equality sign between the Azeri nation and the hooligans who did it?"

The answer followed:

"I can't say these were hooligans. It was an organized act against the Armenians."

Advocate Yashin's question:

"I want to specify. You have been living in Sumgait for many years. Were there any restrictions imposed on you?"

"Let's be ultimately honest. There were always restrictions imposed on us."

Witness M. M. Kerimov (born 1941), head of education methodology office was called. He didn't know any of the accused. Advocate Rshtuni's question:

"Did you instruct Susana Sagatelyan to make a list of Armenians?"

The answer: "No."

“Then my further questions won’t make sense, since S. Sagatelyan is absent, and the confrontation between her and Kerimov was not held.”

Then the testimony of witnesses Babayan and Abbasova were read (they didn’t come to court).

14:30. A break. The trial continued on the next day at 11:00.

The Armenians leaving the building of the Supreme Court chanted “Shame on you! Shame on you!”

## FRIDAY

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### *November 11, 1988.*

**11:20.** Witnesses Mamedov and Dadashev additionally summoned to the court came into the courtroom.

V. I. Mamedov (born 1942), head of housing management office-12 of Sumgait, he didn’t know any of the accused. He testified: “All of us, the heads of housing offices, were called to the city council and kept there the whole day on February 29. We were riding in tanks and showing the state bank, communication centers and other important facilities to the army units. As a consequence, these facilities were taken under strict security by the troops.”

“Why did you burn and bury the things thrown from the apartments without permission of the bodies of investigation? (as witness T. Takhmazov stated it in his testimony.)”

The answer: “We didn’t wipe out a single item without the investigation body’s awareness. There was a special instruction from the head of department of the Central Committee of the Communist Party of Azerbaijan (Mr. Ganifayev) to burn and bury the pogrom-related things.”

Witness A. M. Dadashev was called (chief engineer at housing management office-12). He didn’t know any of the accused. He knew only J. Ambartsumyan among the victims. He gave essentially the same testimony as Mamedov.

Then witness V. B. Dobzhanskaya’s testimony was announced, she in particular said: “...A man with a flag from the crowd screamed...” Kill the Armenians. Gorbachev supports us.” Dobzhanskaya’s other testimony can be seen in the motion of advocate Rshtuni of November 3, 1988.

The prosecutor showed a photo album received from the USSR Prosecutor General’s Office, where under numbers 6 and 7 witness Dobzhanskaya identified the men she saw on the 28th at about 23:00 (Jafarov and Kerimov).

Azir Melikov’s, Seleznyova’s, and Perieva’s testimonies were announced.

The conclusions of the forensic examination of the corpses of Sogomon Melkumyan, Raisa Melkumyan, Misha Ambartsumyan, Eduard Melkumyan, Igor Melkumyan, Irina Melkumyan, and Artash Arakelyan were announced. (See at the end of

indictment.)

Z. M. Rzayev's testimony received from the Office of the Prosecutor General was also read.

*To the judicial panel on criminal cases of the USSR Supreme Court  
From the representatives of the complainants*

*From advocates P. L. Shaposhnikova and R. V. Rshtuni representing the victims  
(Yerevan, Law offices of Orjonikidze district, orders in case) on the case against A.  
I. Akhmedov, I. A. Ismailov and Ya. G. Jafarov charged under articles 72; 15, 94 para-  
graphs 2, 4, 6, 8; 17, 94 paragraphs. 2, 4, 6, 8; 94 paragraphs. 2, 6 CC AZ. SSR)*  
Then advocate Shaposhnikova made the following motion:

### **MOTION**

#### **(On forwarding the case to additional investigation based on the articles 253 and 232 CPC of the RSFSR)**

According to the criminal case separated into separate proceedings on 24.06.1988, A. I. Akhmedov, I. A. Ismailov and Ya. G. Jafarov are charged with direct participation in the organization (by Akhmedov) of mass riots in district 41A on February 29, 1988, accompanied with pogroms and other similar actions.

The same persons are charged with willful heinous murder of A. A. Arakelyan out of hooligan motives. Besides, A. I. Akhmedov is charged with an attempt on A. Babayan's life and the organization of the willful heinous murder of Sogomon, Raisa, Irina, Eduard, and Igor Melkumyans driven by hooligan motives, and assistance in their murder.

Jafarov, in addition to the mentioned criminal actions is charged with an attempt on the willful murder of Eduard Melkumyan, driven by hooligan motives and with particular cruelty and the willful murder of Igor and Irina Melkumyans.

At the court proceedings, the charges against Akhmedov, Ismailov, and Jafarov were completely confirmed. However, not all the committed crimes have been legally classified.

The case examined by the court was separated without grounds.

In violation of article 14 CPC of Azerbaijan SSR, the reasons and conditions conducive to the committed crimes were not found out, the organizers and instigators of these monstrous crimes were not found.

It is apparent from the following:

#### **1. ON THE NEED OF NEW CHARGES RELATED TO THE ONES ALREADY MADE**

The charges against Akhmedov, Ismailov and Jafarov suggest that the crimes were

committed by them only out of hooligan motives.

To-date, the mass media, especially central press and central TV, and, investigation bodies (which is more important, at the given stage) despite all evidence, are reluctant to admit that the mass murder of Armenians in Sumgait was committed on the grounds of their ethnic origin.

Investigation bodies that must exhaustively establish the motive of the crime for some reason have reduced everything to hooliganism.

Meanwhile, the material of the preliminary and court investigation undoubtedly revealed that the pogroms, massacre, robberies, and rapes were preceded by an instigatory campaign aimed at inciting of ethnic hatred, hostility and, moreover, extermination of the Armenians.

The ignoring of these circumstances led to the fact that the ideal set of these crimes was not reflected in the legal classification, although our legislation stipulates liability for ethnic hate crimes.

Article 36, USSR Constitution, provides that:

“Any direct or indirect restriction, direct or indirect benefits for citizens based on race and ethnicity, as well as any propaganda of racial or ethnic superiority, hostility or neglect is punished by law.”

Based on the Constitution, the criminal legislation and in particular, article 67, CC Az SSR provides liability for the violation of ethnic and racial equality, the propaganda or instigation with the purpose of provoking racial or ethnic hostility.

The evidence that Akhmedov's actions had the elements of the given crime in particular, instigation with the purpose of ethnic feud can be seen in the indictment, which reads: “On February 29, 1988, at about 16, at the bus station of Sumgait, Akhmedov participated in the spontaneous rally. With the use of the megaphone, he appealed to the people to commit carnage against the Armenians.”

Besides, during the court trial it was also revealed that Akhmedov appealed to the crowd at the bus station and called for killing Armenians to “cleanse” Sumgait of Armenians, to make pogroms in their apartments and destroy their property.

Agitating the gathered people with the purpose of ethnic hostility and provocation, he lied deliberately, saying that at the station of Balajari there was a rail car full of Azeri corpses, killed in Nagorno-Karabakh by the Armenians.

Provoking hostility in the large mob of Azeris (200-300 men) Akhmedov led them to district 41A of Sumgait.

There he turned to the crowd calling:

“Death to Armenians. Long live Azerbaijan!” (witness Ya. Rakhimov).

”Beat the Armenians! If you hide them, you’ll regret!” (witness R. Adilov). ”Muslims, show us where the Armenians live!” (witness M. Ilyasov).

“Not a single Azerbaijani family shall let the Armenians in, otherwise we will retaliate!” (witness Palatkhanova), etc.

Concluding from the above, we believe Akhmedov must be charged with an additional article, as mentioned above in connection with agitation, with the purpose of

provocation of ethnic hatred, which belongs to other state crimes, provided by article 67, CPC, Az. SSR.

## **2. ON THE NEED TO CONNECT THE CASES INTO A SINGLE PROCEEDING, CONNECTED WITH THE CRIMES COMMITTED IN DISTRICT 41A, SUMGAIT.**

According to the Resolution of 24.06.1988 made by the investigator for special criminal cases at the USSR Prosecutor General's Office (vol. 1, pp. 1-3), the case against Akhmedov, Ismailov and Jafarov examined since 18.10.1988 by the judicial panel for criminal cases of the USSR Supreme Court was separated from criminal case №18/60268-88 instigated in connection with mass riots, killings and other crimes, committed in Sumgait on February 27-29, 1988.

As can be seen in the text of the above mentioned resolution: "a case can be separated into separate proceedings and forwarded to the court provided there is no harm to its integrity and fairness."

Owing to the fact that in the case there are no materials indicating the relevance of separation of the case into a separate proceeding as required in article 147, CPC of Az. SSR, we move a motion to request the relevant information from the Prosecutor General's Office to verify the validity of decisions made on June 24, 1988.

Our motion was upheld and the Prosecutor General's Office of the USSR provided letter №18/60206-88 signed by the head of the investigatory division G. N. Karakozov, however, it does not clearly set forth the grounds for the resolution of the Procuracy on case separation.

No response has been received to the question whether there are cases against other persons (besides Akhmedov, Ismailov and Jafarov) subjected to criminal liability for participation in mass riots in district 41A.

Meanwhile, the elements of the crime, "mass riots", whereby the criminal actions were classified indicated that many people overran district 41A and participated in the riots otherwise the acts of Akhmedov, Ismailov and Jafarov couldn't be qualified under article 72, CC of Az. SSR.

During court investigation, it was found out that a number of persons called to court under the present case as witnesses were prosecuted under other cases for mass riots and other crimes, committed exactly district 41A.

We suppose, that for the integrity, objectivity and comprehensive investigation and resolution of the case, it is necessary to unite the case against Akhmedov, Ismailov and Jafarov with the criminal cases of all the other persons, who had committed mass riots in district 41A, regardless of the fact, that they were subject to prosecution for other crimes too.

Particularly, it is necessary to unite this case with the criminal cases against:

Mamedov, Gasan, articles 72, 144 p. 3 CC Az.SSR;  
Azimov, Sadikh, articles 72, 144 p.2 CC Az.SSR;  
Veliev, Elgam, articles 72, 109 p. 3 CC Az.SSR;  
Kerimov, Elgar, articles 72, 144 p. 3 CC Az.SSR;  
Aliev, Ildrim, articles 72, 144 p. 3 CC Az.SSR;  
Aliev, Ilgram and Babayev, Annagi, articles 72, 109 p. 2 CC Az.SSR

for criminal actions against Marine Ambartsumyan, at least for the mere fact that she could be a victim on one case only, not on many cases.

The above mentioned letter from the USSR Procuracy stating that the collected evidence is insufficient for the prosecution of other persons for the murders and attempts on life committed in district 41A contradicts the materials of the case.

In particular, it contradicts the testimony given at the preliminary investigation and confirmed in court by witness Gasan Mamedov charged for crimes committed in district 41A.

In his testimony, this witness confirmed that he personally struck on the head an elderly man three times (in court he specified, twice) and once on the back with a piece of reinforcement bar (the man was taken out of house 2B). It was found out that it was Sogomon Melkumyan. He started bleeding because of these blows (vol. 6, p. 155).

Afterwards, the witness stated that Islam Mamedov also battered the mentioned man by a board with nails from a box and Alexander Drach who struck 2-3 times with the blade of the axe (vol. 6, pp. 155, 157).

This testimony, to a certain extent, was confirmed by the forensic medical examination (vol. 2, pp. 102-112), according to which S. M. Melkumyan had 13 injuries in the parietal-occipital and right temporal region of the head, perhaps, struck not by one person and not by one tool.

The mentioned evidence has probative value, since in the case there is no indication of self-incrimination or slander by the above-mentioned persons.

Under these circumstances, there is basis for the prosecution against Gasan Mamedov, Islam Mamedov and Alexander Drach for the complicity in the murder of Sogomon Melkumyan, particularly, because the perpetrators of this murder haven't been found.

Gasan Mamedov also stated that Nizami Mageramov and Fizuli Fataliev had thrown a young man into the fire at house 5V. According to the case, it was Eduard Melkumyan (vol. 6, p. 162).

There is no refutation of this evidence in the case that is why closest attention they must be paid to it.

We believe the mentioned persons must be prosecuted for the participation in the murder of Sogomon Melkumyan and Eduard Melkumyan, and that is why the case must be forwarded to further investigation.



**3. IN VIOLATION OF ARTICLE 14 CPC, AZ. SSR THE INVESTIGATION OF  
THE CASE HAS NOT BEEN COMPLETELY CONDUCTED:  
THE ORGANIZERS OF THE CRIME WERE NOT FOUND,  
AND THE REASONS AND CONDITIONS CONDUCIVE TO THE CRIMES  
WERE NOT FOUND.**

1. There materials of the present criminal case and the testimony of many witnesses confirm that one of the reasons and conditions conducive to the crimes committed in Sumgait on February 27-29, 1988 was the nonfeasance of the Police.

2. According to the testimony of witness M. Ilyasov and other persons at the trial, the Sumgait-Baku highway was blocked with piles of stones at the bus station on the night of February 27-28, 1988. The mob threw these stones at the soldiers deployed in the town for the maintenance of order.

It was not found out by whom and with what purpose the stones were piled in the downtown. Was it done with the purpose of creating conditions for committing mass riots?

3. According to the testimony of numerous witnesses, the nine military units deployed in Sumgait on 28.02.88 (vol. 2, p. 33) to maintain law and order, didn't take actions against the pogroms, arsons and other crimes committed in the town those days; they were engaged in self-defense, riding on the APCs along the streets of the town which didn't prevent the occurring riots.

Witness A. Ghukasyan questioned at the trial on 10.11.88 stated that he saw a huge concentration of troops and an APC at the municipal committee of the Communist Party and in the streets nearby at the time when the pogroms of the Armenian apartments were taking place.

He stated that during the conversation with him at the building of the municipal committee of the Communist Party the commander of the military units deployed in Sumgait, Lieutenant-General Krayev told him that he could hardly save his own life from the attacking mob in the area of the bus station.

It is necessary to determine what caused the nonfeasance of the military units deployed in Sumgait.

4. According to the testimony of the same witness M. Ilyasov at the preliminary investigation (vol. 6, p. 47) and in court, at the time of pogroms in district 41A a black car "Volga" GAZ-24 (first production, with protruding handles) drove to the crime site. Two or three thugs approached the two men sitting in the car, talked for a while to them, and returned to the crowd, after which the pogroms started with a new intensity.

The persons who came over in the mentioned car and their participation in the riots ought to be identified.

5. According to the testimony of Tofik Takhamzov at the trial, at 15:00, February 29, 1988 the heads, chief engineers, experts at all the HMOs of Sumgait, instead of being at workplaces and taking measures to assist the population, were called to the city

council and stayed there until midnight without any necessity.

It ought to be found out what caused the necessity of isolating the above mentioned workers of HMOs of Sumgait during the mass riots.

Witness S. Guliev stated at the trial:

“These people were not gathered overnight, since it is impossible to gather thousands of men in one day.”

Witness A. Ghukasyan clarified at the trial that on the road leading to Baku, at the textile factory all the cars and buses were checked to prevent the Armenians from escaping from Sumgait.

All the above-mentioned facts give grounds to believe that persons unidentified by investigation organized or created conditions for mass riots in Sumgait, particularly, in district 41A.

The existence of such organizers is evident from the article in the newspaper “Sumgait Communist” entitled “At the Sumgait Communist Party municipal committee” published in issue №57 on 13.05.88:

“During the days of trouble, axes, knives and other objects were made in the workshop of the pipe-rolling plant which could be used by the hooligans.”

These facts were confirmed in the testimony of some witnesses. A telegram addressed to the chairman of the Supreme Court of the USSR Mr. V. I. Terebilov from the first secretary of Nagorno-Karabakh Regional Committee of the Communist Party G. A. Poghosyan and co-signed by 5 Communist Party leaders of the Nagorno-Karabakh Autonomous Region also attests to it.

From the above mentioned article, it is evident that a number of party and Soviet leaders of Sumgait (1st Deputy Chairman of the City Council Yu. I. Tabasaransky, deputy chairman of the city council F. A. Tagiev, director of the pipe-rolling plant A. Abdullayev, etc.) were strictly reprimanded by the Communist Party for the inappropriate performance of their official duties which didn't rule out the presence of elements of crime in their actions which were conducive for the Sumgait tragedy.

The USSR Prosecutor's office, having the above mentioned information at its disposal, didn't conduct proper investigation to clarify the conditions conducive to the Sumgait crimes on February 27-29, 1988 and identify the organizers of these crimes.

The fact that there were crime organizers can be proved by the information that Akhmedov led the crowd to district 41A armed with reinforcement bars, knives, axes and other objects made in advance. By whom, where and when were these weapons made, and at whose initiative the thugs were armed with them has not been found under the criminal case.

Based on the above-mentioned reasons, pursuant to articles 232 and 253, CPC, RSFSR, we request to forward for further investigation the case against A. I. Akhmedov, I. A. Ismailov and Ya. G. Jafarov under articles 72, 15, 94 p. 2, 4, 6, 8; 17, 94 p. 2, 4, 6, 84 p. 2, 6, article 94, CC Az.SSR., since the actions of the persons closely connected to each other by common intention (which is evident) must be investigated and examined under one case. Only such examination and investigation of the case enables

to reveal all the participants with all the necessary completeness and objectivity, as well as the crimes committed by them in district 41A in their totality, as well as to give them the right legal appraisal, to organize prevention so that the atrocities of Sumgait never happen again, as well as to sentence them to a just and severe punishment.

Representatives of the victims

*Advocate P. L. Shaposhnikova*

*Advocate R. V. Rshtuni*

*November 11, 1988*

*Moscow*

Advocate Yashin asked for time to have detailed examination of the motion. This opinion was supported by Ismailov's advocate, Jafarov's advocate thought the motion should be dismissed.

The prosecutor also asked for some time to examine the motion.

17:27 a break is announced; the trial will continue on Monday, November 14, at 11:00.

## **MONDAY**

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### ***November 14, 1988***

**11:10.** Yashin, (Akhmedov's advocate) took the floor:

"Having carefully examined the motion filed on November 11, 1988 by the representatives of the victims, I believe it is partially grounded. The case was investigated superficially, subjectively and not comprehensively. The case was illegally separated from the other cases. In this regard, the motion is grounded. As to the charges against Akhmedov under article 67, I think this part is not grounded and must be dismissed. In connection with the above, I think the motion is basically grounded and must be upheld."

The prosecutor took the floor:

"...In the motion, the representatives of the victims make a quite grounded conclusion that the indictment states that Akhmedov called the mob for violence against the Armenians... As a result, five members of the Melkumyan family were killed... and Mr. Ambartsumyan... However, the mentioned actions by Akhmedov were of instigatory nature. Such actions are completely covered by articles 94 and 77 of the CC of Az. SSR, under which Akhmedov was prosecuted and there is no need for any additional classification under article 67 of the CC.

I think independent examination of the cases against Akhmedov, Ismailov and Jafarov didn't have any impact on its integrity and comprehensiveness...

And finally, as the third reasoning for the return of case for further investigation, arguments are brought on the necessity of clarification of a number of circumstances

related to the reasons and conditions conducive to the crimes. In particular, the non-feasance of Sumgait Police and passive role of the military units during the mass riots are mentioned in the motion. There were speculations about the possible organizers who allegedly had planned mass riots in advance, who supplied stones, armed the perpetrators with allegedly similar tools of crimes, isolated the employees of house management offices of the town in the executive committee when there were mass riots in the town, the traces of crimes were urgently wiped out. etc.

In the motion, some circumstances were interpreted by the representatives of the victims in a very biased and arbitrary way. The criminal case examined by the judicial panel is confined to the criminal actions with which the accused were charged. Meanwhile, the motion tends to expand the boundary of what the judicial panel is to deal with, namely, examination of the case against certain persons who committed certain crimes.... The version of premeditated and organized crimes committed in Sumgait on February 27-29 was examined by the USSR Prosecutor's office and wasn't confirmed.

Taking into account the above facts, I suppose the motion from the representatives of victims of November 11, 1988 must be dismissed. On the same grounds, the motion filed on November 3, 1988, and then the motion added by advocate Rshtuni of November 10, 1988 for calling and questioning General Krayev as a witness, first secretary of Sumgait, municipal committee of the Communist Party Muslim-zadeh, official of Central Committee of the Communist Party of Azerbaijan Ganifayev, former representative of Sumgait executive committee Mamedov, and accused Rzayev."

"The judicial panel went to the deliberations room to make a decision on this motion. The trial will continue on the same day, not earlier than 15:00," the chairman said.

**11:32–15:10** a break

Member of the Supreme Court of the USSR, Brize, announced the decision of the judicial panel on the motion of November 11, 1988 filed by the advocates of the victims:

"...Having examined the case and having discussed the arguments in the motion, the judicial panel found that the motion must partially upheld; the case against Ismailov and Jafarov must be forwarded to the USSR Procuracy for further investigation. At the same time, the judicial panel found that the criminal case against A. I. Akhmedov was investigated with sufficient completeness, and the question of his guilt or innocence in committing the crimes incriminated to him can be solved without forwarding the case for further investigation"

Victim J. Ambarstumyan took the floor and made the following statement:

*"To the judicial panel on criminal cases of the Supreme Court of the USSR from the victims J. Ambartsumyan, K. Melkumyan, I. Melkumyan, and A. Arakelyan.*

**STATEMENT**

Since October 18, 1988, the Supreme Court of the USSR has been hearing the case of mass riots in Sumgait on February 27-29, 1988. There was a demand raised both by us and the public at large in the Armenia SSR and beyond to give qualification to the mass murders on ethnic grounds from the very beginning. After repeated and unjustified refusals, the USSR Supreme Court decided to take this case into consideration. However, the court proceedings show that the preliminary investigation was done in a biased and subjective manner. The fact of splitting the single organized crime into a number of separate and individual crimes is in itself a proof of "bias" and pursues the aim of hiding the real organizers and perpetrators. Besides, the classification of mass murders of Armenians, as murders driven by hooliganism also induces protests. The criminal nonfeasance of local party and Soviet authorities, as well as the nonfeasance of military units which were in Sumgait by that time didn't have any impact on the case.

In connection with the above, the victims don't consider it possible to be present at the trial anymore and in protest leave the courtroom. We also refuse from the further participation of our representatives in the court proceedings, advocates Shaposhnikova and Rshtuni, in spite of their efforts to find the truth and conscientious performance of their duties. [signed] Victims

Victim J. Ambartsumyan handed the statement to the secretary of the trial and went to the exit. The other victims followed her. Clamor in the courtroom.

"Well, its your right," the chairman said.

The overwhelming majority of the people got up and left the courtroom in protest. The chairman, losing control in the courtroom and not making any decision upon the statement, said: "A break is announced, the court proceeding will continue tomorrow at 11:00."

Advocate Shaposhnikova turned to the chairman, leaving the courtroom:

"Let us not attend the court proceedings tomorrow."

**15:50.** Leaving the building of the USSR Supreme Court, the Armenians chanted for 5-7 minutes: "Shame on you, shame on you!" they unfolded the posters with demands of giving political qualification to the events in Sumgait. After some time everyone left.

## TUESDAY

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*November 15, 1988*

**11:05.** Prosecutor Kozlovksy made an accusatory speech. He, in particular, stated: "...On February 27-29, 1988, mass riots took place in Sumgait, during which pogroms were made, property was burnt, and murders of Soviet citizens took place... Azeris, predominantly, participated in these riots which could fully be explained,

since the majority of the Sumgait population are Azeris. Many previously convicted persons took part in the riots. Russians, Lezgis and Armenians also took part in the pogroms... It would be wrong to qualify the separate hooligan elements as the actions of the entire Azeri nation. As a proof, remember that in times of trouble for many Armenian families, nobody but the Azeri neighbors helped them, risking their own safety, hiding the Armenians from the thugs.

These facts shouldn't be forgotten, when we give appraisal to the events in Sumgait. The investigation of the USSR Procuracy showed that the mass riots in Sumgait were not previously planned or organized and thoroughly organized. They were provoked spontaneously, which doesn't rule out that there might have been leaders of separate groups of the riot participants, acting independently in this or that district, or some leaders, who took the leadership, consolidating the criminals around them. This conclusion is made based on the proceedings of this case..."

Then the prosecutor proceeded to the analysis of the evidence of the prosecution against accused Akhmedov. He supported the charges provided in the indictment, except the episode of A. L. Arakelyan's murder... since Ismailov and Jafarov played a direct role in his killing, their cases were directed to further investigation.

Speaking of the motives of the murders, the prosecutor said the following:

"... Speaking about Akhmedov's actions, it is impossible not to touch upon the question of the motives of the murders. No doubt, the murder of ethnic Armenians was on national grounds. And it looked like revenge for the imaginary violence against Azeris in Armenia and Nagorno-Karabakh. Nevertheless, the bodies of investigation came to the grounded conclusion that these murders were also committed out of hooliganism. It is known that murders out of revenge are committed on the basis of a personal relationship with the victim. In this case, the victims of the killers were people previously unknown to the perpetrators of whom they only knew that they were Armenian. Men and women both young and elderly were killed by the murderers.

The Plenum of the USSR Supreme Court explained that these murders must be considered willful murders driven by hooliganism committed in defiance of society...

Taking into account that persons of various ethnic groups took part in those crimes and that the crimes against other ethnic groups were also committed in absence of any personal reasons and arguments, accompanied with foul language, particularly cynical actions, the conclusion is that the motive of murders was hooliganism... The judicial examination of the present case, having established the guilt of the accused Akhmedov, at the same time, highlighted some causes and conditions that enabled to commit most serious crimes by Akhmedov and his accomplices which let them for several hours do evil acts unhindered.

That is, first of all, the inexplicable nonfeasance of the bodies of internal affairs of Sumgait... The medical personnel as well as the ambulance center also demonstrated callousness...

The legitimacy of actions, or to me more exact, nonfeasance of the military personnel deployed in town to prevent mass riots and maintain the security of the popu-

lation shall be scrutinized. According to the testimonies of witnesses, while murders and pogroms were committed in district 41A, APCs were patrolling around the district in front of the thugs, and the APC crews did not intervene to prevent mass riots.

Summing up prosecutor said:

“...At the end of my speech, summing up the above, as the prosecutor on behalf of the state I ask the judicial panel on criminal cases of the USSR Supreme Court to find A. I. Akhmedov guilty under article 72, CC of the Az SSR and to sentence him to maximum penalty under the article, imprisonment for 15 years, under article 15 and paragraph 2, article 94 CC of the Az. SSR, 10 years of imprisonment. I also request to find Akhmedov guilty under article 17 and para 2, 4 and 6 of article 94 CC of the Az. SSR and sentence him under this article in accordance with article 38 CC of the Az. SSR to capital punishment (execution by shooting) by accumulation of committed crimes and taking into account the gravity of these crimes and his personal record.”

As for witness Kerimov, the prosecutor said the following:

“I ask the court to initiate a criminal case against witness Kerimov for contempt of court and refusal to testify.”

A break was announced from **12:15 to 13:04**

Advocate Yashin (accused Akhmedov's advocate) took the floor:

“...In the appeal of the General Secretary of the Communist Party M. S. Gorbachev to the workers of Armenia and Azerbaijan, and at the conference of the Presidium of the USSR Supreme Soviet the reasons for these events were disclosed, and fundamental qualification was given. However, I, as the defense attorney representing the interests of accused Akhmedov, believe that the main reason was the that certain criminal elements exploited the backward part of Sumgait population through the mass media, radio, TV and newspapers spread all kinds of sick rumors among the workers and employees about alleged clashes between the Armenian and Azeri population both in Nagorno-Karabakh and Armenia. This wave spread and reached the backward part of the youth of Sumgait...”

In this very crucial period, in this precarious situation in Sumgait, neither Soviet, nor Communist Party bodies, nor law enforcement bodies did anything thus allowing the situation to get out of control which ultimately led to such tragic events...”

Then the advocate analyzed the concrete actions of his client. He put the main emphasis on the low quality, biased, and incomplete preliminary investigation. Advocate Yashin believed that the testimonies of the witnesses were similar, repetitive and all of them written by the investigators. This demonstrates that the investigators acted not in good faith... In many testimonies, there was a reference to the man in a grey suit. However, the suit brought to the court did not belong to Akhmedov. The question about the grey suit of the megaphone man remained unsettled. The advocate considered another argument in favor of his client, namely the fact that some charges of the prosecutor are based on self-incrimination of Akhmedov at the preliminary investigation which is of no probative value according to the relevant article of the Criminal Code. The advocate utterly disagreed with the prosecutor's opinion that Akhmedov

was the organizer of pogroms in district 41A, asserting that the organization of crimes was not examined during the investigation.

At the end of the speech, advocate Yashin expressed his opinion that accused Akhmedov must be found guilty under article 72 (participation in mass riots) and the sentence must be based on this article.

**14:00.** The judicial session will continue on November 17 at 9:30.

## THURSDAY

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### *November 17, 1988.*

**9:30.** Accused Akhmedov made his last statement:

“Honorable Judges! The trial will be over soon. You will go to the deliberations room to make the verdict in retribution for our crime which I committed on February 29 in Sumgait. It is time for me as the accused to say the last words.

Being in custody for a long time, I have but one question: how could I commit such a grave crime? Why did innocent people die as a result of mass riots in Sumgait? I was born an ordinary family of workers. I finished a Soviet school. I honestly performed my civic duty. In the Soviet Army I was engaged in socially useful work. I never refused to do any physical work. At home and at school, I was reared in the united friendly family with the Soviet people.

Honorable judges! When I heard the terrible stories about the brutal events in Karabakh, I imagined that Azeri girls were being raped and innocent people killed... It provoked, as I understand, a sense of false patriotism in me. Now I know, conflicts between nations of the Soviet Union can't be settled like that. It is hard to describe the situation in Sumgait on February 29. But I want to honestly say that I didn't participate in murders, I didn't kill anyone, I didn't want that to happen. I was not the organizer of the mob, but I am also liable for the mass riots in district 41A. I want to expiate my guilt in front of the people.

Honorable judges, I ask you to take this into consideration and spare my youth. These are my last words.”

“The court departs to deliberate on the sentence. The sentence will be announced tomorrow at 17:00,” the judge said.



## FRIDAY

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*November 18, 1988*

**17:01.** The judges enter the courtroom. The people present rise to their feet waiting for the verdict to be announced.

“Sentence in the name of the Union of the Soviet Socialist Republics, November 18, 1988, Moscow. The judicial panel on criminal cases of the USSR Supreme Court consists of:

Brize, the Chairman, member of the USSR Supreme Court, lay judges of the Supreme Court, Kuznetsov and Smirnov, secretaries Teobileva and Gordeev, with participation of public prosecutor, assistant of the Prosecutor General of the USSR, councilor of Justice (3rd class) Kozlovksy, in the open trial examined the criminal case against A. I. Akhmedov (born September 23, 1964 in Sumgait), Azeri, secondary education, bachelor who until his arrest worked as weight scale operator at the factory in Sumgait, not convicted previously, for committing crimes under article 72 CC Az. SSR, article 15 и 94 paragraph 2 of the same CC, article. 94 paragraphs 2, 6 of the same CC, article 15, 94 paragraphs 2, 4, and article 17, 94 paragraphs 2, 4, 6, 8 of the CC Az. SSR.

Having heard the testimony of the accused, the victims and witnesses, after having studied and appraised the written evidence attached to the case, and having heard the speech of the public prosecutor, the defense and the final speech of the accused, the judicial panel on criminal cases of the USSR Supreme Court has ruled:

Accused Akhmedov on February 29, 1988, in Sumgait, Az. SSR organized and directly participated in the mass riots in district 41A, accompanied with pogroms, destructions, killings, arsons and other crimes, he made a willful attempt to kill Babayan out of hooligan motives, organized and had direct complicity in the murder of 7 people out of hooligan motives with particular brutality... All these crimes were committed on ethnic grounds and looked like revenge for the alleged violence against Azeris in the Nagorno-Karabakh Autonomous Region. However, as it is known, the murders out of revenge are committed on the grounds of personal relations with the victims.

In the given case, the victims of the murders were the people whom the murderers hadn't known before. The Plenum of the USSR Supreme Court in its resolution of June 27, 1975, number 134 on the judicial practice on cases of willful murder explained to the courts that under the articles of the CC providing liability for the willful murder out of hooligan motives such murders must be classified as murders committed on the grounds of evident disrespect to the society, contempt of the rules of coexistence and the norms of the socialist morality without any excuses or out of desire to use little excuse as a pretext for murder.

Based on the above, the judicial panel found that all the actions of accused Akhmedov connected with the murders must be classified under paragraph 2, article 94, CC. Az. SSR, as crimes committed out of hooligan motives...

...The judicial panel found that the civil lawsuits can't be settled during the given criminal proceedings since not all the persons whose joint actions caused material damage were identified and brought to justice. Due to the above mentioned facts and taking into consideration article 310, CPC RSFSR, the judicial panel considered it necessary to recognize the right of the civil plaintiffs for the satisfaction of their claims in civil proceedings.

...The judicial panel on criminal cases of the Supreme Court of the USSR found A. I. Akhmedov guilty of committing crimes under article 72 CC AZ. SSR, article 15, 94, paragraph 2 CC Az. SSR, article 17 and 94 paragraph 2, 4, 6, 8 CC Az. SSR and article 72 CC Az. SSR to sentence him to imprisonment for 15 years, under article 15, 94 paragraph 2 CC Az. SSR to sentence him to imprisonment for 10 years, under article 17 and 94 paragraphs 2, 4, 6, 8 CC Az. SSR to sentence him to the capital punishment. In accordance with article 38 CC Az. SSR, to sentence Akhmedov by accumulation of crimes to death penalty. The civil lawsuits on the case remain without examination. The evidence (grey jacket, baby romper suit, furniture boards) attached to the criminal case is to be destroyed. To exact from Akhmedov the court costs (into state revenue) in the amount of 4018 roubles 04 kopecks... The verdict is not subject to cassation appeal...

Additionally, the court made rulings on the reasons and circumstances that were conducive to the committing of this crime; these rulings raise the issue of the liability of the persons who did not take appropriate measures to maintain order in Sumgait (i.e., the police, healthcare institutions and deployed military units). Also, a criminal case is instigated against Kerimov who refused to testify in court.

The court session is over.

**17:40**

