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THE KARABAKH WAR AND THE ENDLESS ARMENIAN TERROR IN THE NORTH CAUCASUS AGAINST THE BACKGROUND OF MODERN PROBLEMS OF THE INTERNATIONAL LEGAL FIGHT AGAINST TERRORISM

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Abstract: *The article analyzes the problems of the international legal fight against terrorism in modern times. From this point of view, Armenia's policy of ethnic cleansing against Azerbaijanis in Nagorno-Karabakh and surrounding areas, terrorist atrocities against historical monuments and religious complexes in Azerbaijan, as well as environmental terrorism have been widely studied. The legal assessment of the terrorist killings of civilians by the Armenian armed forces in September-October, 2020 by firing ballistic missiles at the Azerbaijani cities of Ganja, Barda and Tartar was given.*

Keywords: *terrorism, international crimes, United Nations, international crimes, universal jurisdiction, self-defense, terrorist organization, armenian terror*

INTRODUCTION

The international community is always looking for effective ways against international terrorist acts. For example, we can recall the 1937 Geneva Convention on the Prevention and Punishment of Terrorism. The definition of terrorism has not been defined as a criminal act directed against a state in order to create fear among individuals, groups or the population, and the Convention has never entered into force. Together with this, the interpretation of this convention includes the recognition of terrorist acts as criminal, not political. The last decades have shown that international organizations have repeatedly made efforts to develop measures to combat international terrorism. After the tragedy of terrorist acts of September 11, 2001, a new view of international terrorism as an international crime emerged in the world.

The main difficulties in shaping the concept of "international terrorism" are related to the difference between terrorism and military operations, the fair struggle for

self-determination, as well as aggression and criminal acts in the form of riots. When armed acts are considered military operations, this recognition leads to the legal consequences of the existence of either legal military actions or war crimes. Military actions allow them to be distinguished from international terrorism as a crime. However, not all armed resistance movements are military, and the armed actions of armed groups are also not terrorism [8].

An act of terrorism committed during an armed conflict must be excluded from international norms governing armed conflict. However, this fundamental position has not yet been accepted by the international community. The actions of the armed forces in armed conflict are not covered by the provisions of the Comprehensive Convention on the Concept of International Terrorism. The Armenians, who did not give up the fancy of creating a "Greater Armenia from sea to sea" and pursued a policy of aggression, tried to portray themselves as victims of such acts, despite the atrocities and genocide they have committed over the centuries. At the same time, for decades, they have routinely falsified the history of our people, appropriated our culture and toponyms.

ARMENIA'S TERRORISM AND DEPORTATION POLICY

As a result of the purposeful genocide, terrorism and deportation policy of the Armenian nationalists, the Azerbaijanis lost their ancient lands of Yerevan, Goycha and Zangazur. At the end of the 20th century, the Armenian occupiers occupied Nagorno-Karabakh and seven surrounding regions - Lachin, Kalbajar, Agdam, Fizuli, Zangilan, Gubadli and Jabrayil. In general, our compatriots were subjected to ethnic cleansing and deportation by Armenian nationalists four times (1905-1907, 1918-1920, 1948-1943, 1988-1993). The term "Armenian terrorism" was first officially used in the August 1982 monthly bulletin of the US State Department. Until that year, Armenian terrorist organizations carried out about 150 terrorist acts in various cities around the world. Since 1985, archives have been opened in Turkey and historical documents on crimes committed by Armenians and terrorist acts have been made available to researchers. In the late 80s of last century, Armenian terrorism was transferred to the policy of state terrorism and was accompanied by the killing of thousands of innocent people, especially in Azerbaijan.

After the collapse of the USSR, Armenia's aggression against Azerbaijan took a new form. This was Armenia's raising terrorism to the state level in violation of all norms of international law [9]. Armenia has also pursued a policy of information terrorism against Azerbaijan. One of the main reasons why the Armenian terror and the policy of state aggression did not reach the international community in full was that there were enough Armenians in leading positions in the leading media of Russia and the world. They influenced the information policy of these institutions in any way they wanted. Political scientists, diplomats, lawyers, as well as human rights experts from different countries of the world assess Armenian terrorism as a systematic threat and acts of personal revenge carried out by Armenian nationalist groups and organizations. Armenian terrorism, being a cold-blooded and well-organized terrorism, is a broad wing and network of international terrorism.

Numerous facts and court materials prove that terrorist acts against the civilian population of Azerbaijan, including terrorist acts committed on vehicles were funded by the Armenian government and carried out by the special services of this country. In the early 1990s, Armenian officials launched a large-scale campaign to rehabilitate activists

from Dashnaksutyun, ASALA, the Armenian Union, the Armenian Freedom Front, and other prominent Armenian terrorist organizations, providing them with shelter and living conditions, appropriate financial support.

A state-level signature collection campaign was launched in Armenia to secure the release of Varojan Garabedian, a terrorist sentenced to life imprisonment for a terrorist attack at Orly Airport in Paris in July 1983 that killed eight people and injured 60 others. The terrorist, who was released by a French court in April 2001, found official asylum in Armenia [9]. Monte Melkonian, a well-known terrorist and leader of the ASALA Revolutionary Movement in Western Europe, was arrested on November 28, 1985 for six years. Monte Melkonian was released from a French prison in 1990 and came to Armenia, where he was sent to Nagorno-Karabakh to continue his terrorist activities. M. Melkonian was the commander of the Armenian terrorist group during the occupation of the Khojavend region of Azerbaijan. Officials, including the President of Armenia, attended the funeral of the terrorist killed in Nagorno-Karabakh in 1993 in Yerevan. The name of this international terrorist, who was declared the national hero of Armenia, was given to one of the sabotage centers of the Ministry of Defense [9].

Grant Markarian, a well-known terrorist and a member of the Drohnaksutyun party's Dro terrorist group, was one of the founders of terrorist groups in Nagorno-Karabakh and an active participant in arming terrorist groups here with weapons imported from Armenia. Vazgen Sislian, the organizer of attack on Turkish embassy in Paris in 1981, was sent from Yerevan to Khankandi in 1992. Vazgen Sislian was honored with name "Hero of Karabakh war" by President Robert Kocharian for active participation in committing of terror acts against Azerbaijanis.

Terrorists of the Middle East origin like Abu Ali and Hilbert Minasian, who were under protection of Armenian special service bodies, took active part in the killing of the Azerbaijani civilian population in Karabakh. Terror war of Armenian terror organizations, operating in different states of the world under financial and organization support of Armenian government and diaspora, against Azerbaijan acquired systematically nature since 1980s. During the occupation of the Nagorno-Karabakh region of Azerbaijan and 7 surrounding regions, in order to create mass panic and get serious human losses, Armenian special services carried out terrorist acts far from the military operations, in settlements inhabited by Azerbaijani civilians, killing thousands of innocent people [9].

In March-April 1918, Armenians carried out a policy of genocide, ethnic cleansing and terrorism against Azerbaijanis in the Shamakhi district of Azerbaijan. Research confirms that the Shamakhi genocide took place at short intervals in several stages, before the massacres in Baku and Guba: First stage - early March - March 27, 1918; Second stage - March 30 - April 9, 1918; Third stage - April 18 - August 1, 1918.

On November 20, 1991, an Azerbaijani military helicopter crashed by Armenian terrorists near Garakand village of Khojavend region, in the territory of Marzili village of Aghdam region. According to calculations, the MI-8 N72 helicopter flying over Garakand at an altitude of three hundred meters was shot down on November 20, 1991 at 14:42. Among the dead were Secretary of State of the Republic of Azerbaijan Tofiq Ismayilov, Prosecutor General Ismat Gayibov, State Counselor, former Interior Minister Mahammad Asadov, MPs Vagif Jafarov and Vali Mammadov, Deputy Prime Minister Zulfu Hajiyev, Head of the Presidential Administration and journalist Osman Mirzayev, Deputy Interior Minister of Kazakhstan Saylau Serikov, and journalist of the Azerbaijan State Television Ali Mustafayev. In total, 22 people died as a result of the accident [9].

The occupation of Khojaly by the Armenian armed forces on the night of February 25-26, 1992 is a genocide against ethnic Azerbaijanis. After Khojaly was occupied by Armenian gangs, the remaining civilians were deported. These actions were carried out in an organized manner. Most of the deported population was detained in Khankendi, which is a clear indication of the relevant order of the authorities of the so-called Nagorno-Karabakh Republic. The hostage-taking and detention of civilians, including women, in Khojaly is in stark contrast to the statements of government of the so-called Nagorno-Karabakh Republic that it is ready to return all Khojaly civilians to Azerbaijan free of charge. The conditions of detention of hostages were severely unsatisfactory, and violence was used against detained residents of Khojaly. Khojaly residents were illegally deprived of their property, their properties were appropriated by people living in Khankendi and surrounding areas [9].

The authorities of the Nagorno-Karabakh Republic have also legalized the misappropriation of such property by issuing warrants for the seizure of homes belonging to Khojaly residents who have left the city or been deported. Soldiers of the 366th motorized infantry regiment of the Commonwealth of Independent States took part in the attack on Khojaly. As a result of the Khojaly genocide, 613 Khojaly residents, including 63 children, 106 women, 70 elderly people, were killed, 8 families were completely destroyed, 25 children lost both parents and 130 children lost one parent. 487 people, 76 of them children, were wounded and 1275 people were taken prisoner. The fate of 150 captives, including 68 women and 26 children, is still unknown.

At present, the recognition of the Khojaly genocide has been identified as one of the main directions of Azerbaijan's foreign policy. Apart from Azerbaijan, Khojaly is fully recognized by Pakistan and Sudan as massacres. Mexico, Colombia, the Czech Republic, Bosnia and Herzegovina, Djibouti, Peru, Honduras, Panama, Jordan, Romania and Scotland recognize the tragedy as a parliamentary massacre. So far, 22 states of the United States have adopted a document recognizing Khojaly as a genocide terror. This event is known in Azerbaijan as "Khojaly genocide" and "Khojaly tragedy", and in other countries as "Khojaly massacre".

In the early 1990s, the terrorist political and military leadership of Armenia occupied 70% of the territory of the Republic of Azerbaijan covering Nagorno-Karabakh and surrounding areas. Armenian terrorists killed thousands of Azerbaijanis, destroyed settlements and historical monuments in those areas [9]. Although a ceasefire agreement was reached between the Republic of Azerbaijan and Armenia in 1994, the Armenian armed forces violated the ceasefire from time to time.

From September 27, 2020, the armed forces of the Republic of Armenia grossly violated the norms and principles of international law, the Geneva Conventions of 1949 and their Additional Protocols, UN Security Council resolutions, as well as the requirements of the declared humanitarian ceasefire. The armed forces of the Republic of Armenia deliberately targeted the civilian population of Azerbaijan and fired missiles and heavy artillery at our cities and regions that do not belong to the region where the hostilities took place [6]. In October 2020, the whole world witnessed the next terrorist act of the Armenian Armed Forces and the Pashinian regime. On October 4, for the first time the city of Ganja was shot for the first time by an OTR-21 Tochka ballistic missile. Although the Azerbaijani side stated that Armenia was responsible for the attack, the Armenian side rejected the accusations. As a result of the attack, one person died, 30 were injured.

On October 8, there was another attack on Ganja. Although there were no deaths and injuries as a result, there was serious damage to homes and vehicles. A day after the ceasefire signed on 10 October, at 02:00 local time Armenian armed forces in Berd, Armenia, had fired upon Ganja with a Scud ballistic missile. The rocket hit the building where people lived and destroyed it completely. Shortly after, the search and rescue teams arrived at the scene. As a result of the attack, significant damage was caused to the infrastructure in the city. In general, 31 apartments were completely destroyed, causing serious damage to objects and cars at the scene and near it. A total of 95 apartments with 205 people were affected by the attack. Armenia has denied responsibility for the attack. As a result of the attack, 10 people were killed and 40 were injured. Among the victims were women and children.

On October 17, at approximately 1:00 a.m. local time, Azerbaijani officials said that the Armenian Armed Forces had fired on Ganja with Scat ballistic missiles. Journalists reported that three powerful explosion sounds were heard in the city. According to RIA Novosti agency correspondent, ballistic missiles have fallen to the densely populated area. At this time, a large number of various residential houses and other buildings were damaged. The first missile fell just 2 km from the city building, and the second missile fell to the Kapaz region in the west of the city. Correspondent of "Dojd" Channel Vasily Polonsky said that there were no military objects, including any important objects near the places where the missiles fell. According to local authorities, 20 houses were destroyed and a considerable number of civilians were left under the rubble. The search and rescue teams of the Republic of Azerbaijan, the employees of the Ministry of Defense of Azerbaijan arrived at the scene and began to remove the persons under the rubble from their places. Armenia has denied that the attack was carried out by him. As a result of the attack, 14 people were killed and 55 were injured.

On Oct. 28, a deadly missile attack by Armenian forces on Azerbaijani civilian settlements in the city center of Barda left at least 21 people dead, including five women, and wounded 70 people, including eight children and 15 women. The two cluster Smerch missiles, which are prohibited by international law, were fired around 1 pm, local time targeting the densely populated area with commercial establishments in Barda, according to Azerbaijan's Prosecutor General's Office. In addition, more than 30 civilian infrastructure facilities, more than 20 private houses belonging to civilians and 22 vehicles were damaged due to the impact of missile strikes.

In the genes of the Patriotic War, which began to take adequate measures to violate the ceasefire of the Armenian armed forces, terrorist Armenian units carried out terrorist attacks on Tartar, Agdam and other cities along with Ganca and Barda. Even on October 15, as a result of intensive shooting of Tartar City Cemetery by Armenian armed forces from heavy artillery, civilians were seriously injured. The fact that Azerbaijanis attacked the Armenian civilian population during the Armenian-Azerbaijani conflict was not recorded, there were no attacks and interventions of the Azerbaijani side on the legally recognized territories of Armenia.

CONCLUSION

The attack on the civilian population is a direct violation of the requirements of the Geneva Convention adopted on August 12, 1949. Armenia has also ratified this convention. According to the content of the Convention, both Azerbaijan and Armenia have undertaken protect and not to target civilians who are not "combatants" in the

event of a possible conflict. According to the requirement of the convention, targeting civilian objects and the population during wars is prohibited and is considered a war crime. Targeting civilians and objects is prohibited under international humanitarian law, ie Article 52 (1) of Protocol No. 1 to the Geneva Convention of 12 August 1949, 1977. Humanitarian law does not prohibit war, but throws it into rules and norms [6].

International humanitarian law is a collection of norms that ensure the protection of more people in war, the restriction of methods and means used, the protection of the rights of persons. That is, international humanitarian law is designed to reduce the pain caused by war, to protect and help victims, the civilian population, and the wounded military. According to international humanitarian law, it is forbidden to use weapons against those who do not participate in the war. International humanitarian law considers attacks on civilians (I Protocol m. 51/2 and m.52; II protocol m. 13), places of worship (I Protocol m. 53; II Protocol m. 16) and the capture and hostage-taking of civilians (I Protocol m. 75; Protocol m. 4 / 2b) as terrorism. That is, according to international law and documents, it is the terror committed by Armenians.

Article 52 of the Geneva Convention states that an investigation into violations must be initiated at the request of one of the parties. In the absence of an agreement with the investigative procedure, the parties choose a jury to resolve the issue. As soon as a violation is identified, the parties to the conflict must put an end to it and punish those who caused it. According to the convention, intentional homicide, illegal relentless destruction and seizure of property, torture and inhuman treatment are considered serious violations.

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