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Genocide Recognition and a Quest for Justice

HARUT SASSOUNIAN

I would like to discuss with you today why Armenians actually seek justice, rather than symbolic recognition, for the Genocide committed against them by Ottoman Turkey.

In the immediate aftermath of the Genocide, most of the wretched survivors were scattered throughout the Middle East. They had no food, no shelter, and barely the clothes on their back!

The first generation of survivors firmly believed that their nightmare would soon be over and they would be able to return to their ancestral homeland in Western Armenia from which they were so brutally uprooted.

Alas! It was not to be!

They vainly hoped to be rescued by European Christian nations.

On August 10, 1920, the Treaty of Sevres was signed by more than a dozen countries, including the British Empire, France, Italy, Japan, Turkey, and Armenia.

These countries, large and small, committed to restore justice to the long-suffering Armenian nation.

This treaty recognized Armenia's independence and asked President Woodrow Wilson to fix the borders between Armenia and Turkey.

Unfortunately, the Treaty of Sevres was never ratified; the European powers abandoned their "Little Ally." The newly-established Republic of Armenia lasted only for two years, before being swallowed up by the Soviet Union and Turkey.

The destitute refugees, abandoned to their tragic fate, were forced to settle down in permanent exile. In those early years, their first priority was survival, fending off starvation and disease. Gradually, they rebuilt their lives in new homes, churches, and schools.

Engaging in lobbying activities or making political demands was the last thing on their minds.

Every April 24, the survivors commemorated the start of the Armenian Genocide by gathering in church halls and offering prayers for the souls of the 1.5 million victims of what was then known as "Meds Yeghern" or Great Calamity.

Two weeks ago, President Obama, for reasons of political expediency, resuscitated that old Armenian term in his April 24 statement, even though, for the past 60 years, ever since Raphael Lemkin coined the word "genocide," Armenians have referred to those mass killings as "tseghasbanoutyoun" which means genocide.

The succeeding generation, particularly after 1965, the 50th anniversary of the Armenian Genocide, tried to break the wall of silence surrounding the greatest tragedy that befell their nation.

Tens of thousands of Armenians in communities throughout the world held protest marches, wrote letters to government officials and petitioned international organizations.

The Turkish government, along with the rest of the world, initially turned a deaf ear to Armenian pleas for recognition of the long-forgotten genocide.

But, as media outlets, world leaders, parliaments of various

countries, and international organizations began acknowledging the Armenian Genocide, Turkish leaders — astonished that the crimes perpetrated by their forefathers were making headlines so many decades after the fact — began pumping major resources into their campaign of denial, funding foreign scholars to distort the historical facts, engaging the services of powerful lobbying firms, and applying political and economic pressure on countries acknowledging the Genocide.

Since 1965, legislatures of more than 20 countries, including Canada, France, Germany, Italy, Switzerland, Belgium, Greece, Russia, Poland, Argentina, and Uruguay, have recognized the Armenian Genocide.

Even though, it is commonly assumed that the United States has not acknowledged the Armenian Genocide, the fact is that the U.S. House of Representatives in 1975 and 1984 adopted resolutions commemorating the Armenian Genocide.

President Ronald Reagan issued a presidential proclamation in 1981 that spoke about “the genocide of the Armenians.”

Furthermore, the legislatures of 42 out of 50 U.S. states have adopted resolutions acknowledging the Armenian Genocide.

In fact, the U.S. government first acknowledged the Armenian Genocide back in 1951, in a document it submitted to the International Court of Justice, commonly known as the World Court.

Furthermore, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted a report in 1985, prepared by special rapporteur Benjamin Whitaker who is with us today, acknowledging that the Armenian Genocide met the U.N. criteria for genocide.

The European Parliament adopted a resolution in 1987, recognizing the Armenian Genocide.

In addition, hundreds of Holocaust and Genocide scholars

have issued joint statements confirming the facts of the Armenian Genocide.

After so many acknowledgments, the Armenian Genocide has become a universally recognized historical fact.

Regrettably, despite such worldwide acknowledgment, there are a few remaining major countries that have yet to recognize it.

Those siding with a denialist state are not doing so due to lack of evidence or conviction, but, sadly, because of political expediency, with the intent of appeasing Turkey.

One would hope that these few governments would join most of the enlightened world in acknowledging the historical facts as they are, rather than as the Turkish government wishes them to be!

Armenians no longer need to convince the world that what took place during the years 1915-1923 was "the first genocide of the 20th century."

A simple acknowledgment of what took place and a mere apology, however, would not heal the wounds and undo the consequences of the Genocide.

Armenians are still waiting for justice to be meted out, restoring their historic rights and returning their confiscated lands and properties.

In recent years, Armenian lawyers have successfully filed lawsuits in U.S. federal courts, securing millions of dollars from New York Life and French AXA insurance companies for unpaid claims to policy-holders who perished in the Genocide.

Several more lawsuits are pending against other insurance companies and German banks to recover funds belonging to victims of the Armenian Genocide.

In 1915, a centrally planned and executed attempt was made

to uproot from its ancestral homeland and decimate an entire nation, depriving the survivors of their cultural heritage as well as their homes, lands, houses of worship, and personal properties.

A gross injustice was perpetrated against the Armenian people, which entitles them, as in the case of the Jewish Holocaust, to just compensation for their enormous losses.

Restitution can take many forms. As an initial step, the Republic of Turkey could place under the jurisdiction of the Istanbul-based Armenian Patriarchate all of the Armenian churches and religious monuments which were expropriated and converted to mosques and warehouses or outright destroyed.

In the absence of any voluntary restitution by the Republic of Turkey, Armenians could resort to litigation, seeking "restorative justice."

In considering legal recourse, one should be mindful of the fact that the Armenian Genocide did neither start nor end in 1915.

Large-scale genocidal acts were committed starting with Sultan Abdul Hamid's massacre of 300,000 Armenians from 1894 to 1896; the subsequent killings of 30,000 Armenians in Adana by the Young Turk regime in 1909; culminating in the Genocide of 1.5 million Armenians in 1915 to 1923; and followed by forced Turkification and deportation of tens of thousands of Armenians by the Republic of Turkey.

Most of the early leaders of the Turkish Republic were high-ranking Ottoman officials who had participated in perpetrating the Armenian Genocide.

This unbroken succession in leadership assured the continuity of the Ottomans' anti-Armenian policies.

The Republic of Turkey, as the continuation of the Ottoman Empire, could therefore be held responsible for the Genocide.

An important document, recently discovered in the U.S.

archives, provides irrefutable evidence that the Republic of Turkey continued to uproot and exile the remnants of Armenians well into the 1930's motivated by purely racist reasons.

The document in question is a "Strictly Confidential" cable, dated March 2, 1934, and sent by U.S. Ambassador Robert P. Skinner from Ankara to the U.S. Secretary of State, reporting the deportation of Armenians from "the interior of Anatolia to Istanbul."

The U.S. Ambassador wrote:

It is assumed by most of the deportees that their expulsion from their homes in Anatolia is a part of the Government's program of making Anatolia a pure Turkish district. They relate that the Turkish police, in towns and villages where Armenians lived, attempted to instigate local Moslem people to drive the Armenians away. . . . The Armenians were told that they had to leave at once for Istanbul. They sold their possessions receiving for them ruinous prices. I have been told that cattle worth several hundred liras a head had been sold for as little as five liras a head. My informant stated that the Armenians were permitted to sell their property in order that no one of them could say that they were forced to abandon it. However, the sale under these conditions amounted to a practical abandonment.

The U.S. Ambassador further reported:

The Armenians were obliged to walk from their villages to the railways and then they were shipped by train to Istanbul. . . . The real reason for the deportations is unknown. . . . It is likely, though, that their removal is simply one step in the government's avowed policy of making Anatolia purely Turkish.

In the 1920's and 30's, thousands of Armenian survivors of the Genocide, were forced out of their homes in Cilicia and Western Armenia to locations elsewhere in Turkey or neighboring countries.

In the 1940's, these racist policies were followed by the Varlik Vergisi, the imposition of an exorbitant wealth tax on Armenians,

Greeks, and Jews.

And during the 1955 Istanbul pogroms, many Greeks as well as Armenians and Jews were killed and their properties destroyed.

This continuum of massacres, genocide and deportations highlights the existence of a long-term strategy implemented by successive Turkish regimes from the 1890's to more recent times, in order to solve the Armenian Question with finality.

Consequently, the Republic of Turkey is legally liable for its own crimes against Armenians, as well as those committed by its Ottoman predecessors.

Turkey inherited the assets of the Ottoman Empire and, therefore, it must have also inherited its liabilities.

It is noteworthy that on several occasions Turkish leaders have threatened to take legal action in international courts against Armenians on the genocide issue.

After some reflection, however, they have quietly backed down, fearing that they may end up losing such a lawsuit, thus opening the Pandora's Box of claims from Armenians!

In recent years, Turkish officials, ignoring the verdicts of the 1919 Turkish Military Tribunals, have frequently claimed that the Armenian Genocide could not be considered a genocide since there had not been a court verdict to that effect.

That argument was taken away from them once and for all, on Dec. 12, 2007, when Switzerland's Federal Tribunal, the country's Supreme Court, confirmed a lower court's conviction of Turkish Party leader Dogu Perincek for denying the Armenian Genocide.

This is the first time that the highest court of any country passes such a judgment on the Armenian Genocide, setting a precedent for all future legal action on this issue.

Finally, since Armenians often refer to their three sequential

demands from Turkey — recognition of the Genocide, reparations for their losses, and the return of their lands — Turks have come to believe that once the Genocide is recognized, Armenians will then pursue their next two demands.

This is the main reason why Turks adamantly refuse to acknowledge the Armenian Genocide. They fear that acceptance of the Genocide would lead to other demands for restitution.

They believe that by denying the first demand, they would be blocking the ones that are sure to follow.

The fact is that, commemorative resolutions adopted by legislative bodies of various countries and statements made on the Armenian Genocide by world leaders have no force of law, and therefore, no legal consequence.

Armenians, Turks, and others involved in this historical, and yet, contemporary issue, must realize that recognition of the Armenian Genocide or the lack thereof, will neither enable nor deter its consideration by international legal institutions.

Once Turks realize that recognition by itself cannot and would not lead to other demands, they may no longer persist in their obsessive denial of these tragic events.

Without waiting for any further recognition, Armenians can pursue their historic rights through proper legal channels, such as the International Court of Justice (where only states have such jurisdiction), the European Court of Human Rights, and U.S. Federal Courts.

Justice, based on international law, must take its course.