



# AMERICAN UNIVERSITY OF ARMENIA

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## TITLE

THE DEVELOPMENT OF INTERNATIONAL LAW AND THE ATTITUDES  
OF SOME COUNTRIES TOWARDS THE ARMENIAN GENOCIDE

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# THE DEVELOPMENT OF INTERNATIONAL LAW AND THE ATTITUDES OF SOME COUNTRIES TOWARDS THE ARMENIAN GENOCIDE

## INTRODUCTION

The long-lasting and eventful history between the Turks and Armenians has undoubtedly been a rigorous one. These problematic and ambiguous relations led through the crooked path of the development into a joint multilayer history after the Seljuks settled in Anatolia. It is worth mentioning that after the Seljuk period, the Armenians became the core subject of the Ottoman Empire from the middle ages onwards. The data related to this period are also stated in the book by Franc Werfel entitled “40 days of Musa – Daga” dedicated to one of the most tragic and unforgettable pages of the Armenian history. The author mentioned that at the turn of the twenties century “the Armenians were the stomach of the Ottoman Empire<sup>1</sup>”.

At the end of the Ottoman Empire, the friction between the various inhabitants of the Ottoman Empire provided some foundation for further friction between nationalist Armenians and Ottomans. It finally led to a violent outbreak of attacks from the Armenian guerrilla groups on quite divergent Ottoman targets. Nowadays, these essential historical facts have been misinterpreted or even misused, especially by Turkey. Throughout history records it is known that the Ottoman Empire killed the Armenian people physically, occupied their houses and lands, and forced them into exile’s life<sup>2</sup>.

The Turkish government claims that the deaths were the results of fighting in World War I rather than a deliberate, systematic elimination of Armenians. They say it was obvious to everyone, that it is violence between Ottomans, Turks, Kurds, Muslims, Christians, Armenians, where many people died, but it must be understood that it wasn't the Ottoman government against Armenians alone. It was not simply massacres; there were massacres on all sides in all diverse methods.

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<sup>1</sup> Франц Верфель, *Сорок дней Муса-Дага* (Советакан грох, Ереван, 1984)

<sup>2</sup> Vahakn N. Dadirian *The Irrefutable Major Facts of the Armenian Genocide* (Armenian Bar Association, Los Angeles, California, 2007) p. 1-2 and 8-9

Therefore, the overall fact is that there was no direct order of mass killing of Armenians alone. This denial continues contrary to the overwhelming body of the evidences, as well as to the growing movement among Turkish intellectuals and activists calling for the “demolition of the wall of silence”<sup>3</sup> regarding the acts committed towards the Christian minorities in the beginning of the twenties century on the territory of the Ottoman Empire. Threshold of the 100th anniversary of the Armenian genocide many people around the world realize that the Armenian Genocide was real, and the survivors as well as the victims’ progeny still wait for the deserved reimbursement.<sup>4</sup>

At the same time, currently the Turkish government are harassing each and every one of us all around the world in order to remain silent as a result they are eager to kill the truth spiritually. The scholar Yuri Barsegov mentioned about various Turkish historians’ misinterpretations of facts occurred in the Ottoman Empire during World War I in his book ”Геноцид армян - преступление против человечества” (“The Armenian Genocide: a crime against Humanity”) quoted the expression of the Turkish side that “there was not any genocide, the Armenians massacred themselves”<sup>5</sup>. Notwithstanding, the Turkish efforts “to make disappear all pertinent evidence relating to the genocide”<sup>6</sup> numerous facts are stated about the massacres against the peaceful Armenian population in the Ottoman Empire. The existence of the huge number of Diaspora in the world and the loss of territories show that many people around the world are convinced that the Armenian Genocide is real, without even reading a single book on the issue.

In the first half of the nineteenth century the national minorities who lived on the territory of the Ottoman Empire were under the enslavement. This situation inside of the State contributed to the fact that the European countries demanded from Turkey to respect the Christian religion on its vassal territories. First of all, this demand referred to the Balkan nationalities. As a result of this request, on March 30, 1856 the Parisian peace agreement was signed calling for a legal and political equality of non-Muslim/non-Turkish minorities and the Turkish population. It is worth mentioning that the agreements signed between the powerful countries and Turkey

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<sup>3</sup> Зара Геворкян, “Память о Геноциде армян должна стать частью европейской памяти о геноциде” from

<http://www.yerkramas.org/2013/04/02/pamyat-o-genocide-armyan-dolzhna-stala-chastyu-evropejskoj-pamyati-o-genocide/>

<sup>4</sup> Ibid

<sup>5</sup> Юрий Барсегов, “Геноцид армян - преступление против человечества (о правомерности термина и юридической квалификации)” (1990) Издательство «Айастан», Ереван,

<sup>6</sup> Vahakn N. Dadirian *The Irrefutable Major Facts of the Armenian Genocide* ( Armenian Bar Association, Los Angeles, California, 2007) p. 3

contained neither individual, nor collective mechanism of control regarding the fulfilment by Turkey of its own commitments. As a result of it, none of the signed commitments and agreements regarding the national minorities did not fulfil by Turkey<sup>7</sup>.

As a little from the main context of this research paper the author would like to mention that the list of such documents includes the historic European Convention of Human Rights of 1950. With regard to this convention and its various protocols, it still remains one of the most complete international instruments for the thorough protection of human rights at different levels, with diverse appropriate enforcement mechanisms. However, even nowadays the adoption of domestic legislation reforms and the ratification of international human rights treaties have not guaranteed their effective implementation or the equal protection under the law for all citizens of the Republic.

The subject of this research paper is the attitudes of some States, towards the phenomenon of genocide, particularly the Armenian genocide. The attitudes of the following countries the USA, Turkey, Israel towards the Armenian genocide will be presented in this research paper. In the framework of this research paper the author discusses the development of International Law regarding the punishment of the phenomenon called “genocide” as the crimes against humanity. In the framework of the development of international law, analyzing the reading materials as well as based on the reliable opinions of different scholars, the author tries to find an answer to the question whether the Genocide Convention is applicable in the Armenian case or not. For many scholars this question is quite clear and does not require additional debates, simply because the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted in 1948, and it does not have a retroactive effect on the events occurred in 1914-15 in the Ottoman Empire. Within the scope of this paper, the essayist will present arguments on the researchable question and by scrutinizing the gathered data analysis. This researchable question will be debated as a question which can be considered as a one of the integral parts in the process of the development of international law.

With regard to the statements on the issue of Armenian Genocide historical chronology mentions that on May 24, 1915 Russia, France and the United Kingdom declared that the Armenians have been killed by the assistance of the Ottoman Authorities and of all the members of the Turkish government. Consequently, highly official persons involved in implementing such massacres are personally responsible for all their deeds.

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<sup>7</sup> Копылова И.О. “Защита прав национальных меньшинств” (2006) from

[http://www.elitpasp.ru/gosudarstvo\\_i\\_pravo/zashhita\\_prav\\_nacionalnyx\\_menshinstv.html](http://www.elitpasp.ru/gosudarstvo_i_pravo/zashhita_prav_nacionalnyx_menshinstv.html)

Vahakn N. Dadrian stated in his book that this genocide was committed by the following steps: premeditation, genocide intends, the organization and supervision and implementation of the scheme of the genocide<sup>8</sup>.

However, the treaties resisting the genocide and the origin of the term “genocide” appeared and developed during World War II as a result of terrible crimes committed by fascists against the whole humanity, especially against the Jewish people during the World War II. It is worth mentioning that during the World War II a lot of people were killed and it is considered that it was loss of great number of people more than in other wars in Europe since 1870. All the unexpected happenings within that period of time make us think that the roots of the genocide that happened later between 1915 and 1923 lie in the collapse of the Ottoman Empire.

Winston Churchill called genocide as “the crime without a name”.<sup>9</sup> A few years later Raphael Lemkin, the Polish lawyer and scholar coined the term “genocide”. For the first time, he introduced this concept in a small book published during the Second World War.<sup>10</sup> It is worth claiming that he promoted the following notion that the International Law contains unarticulated laws of humanity in arguing for “recognition of the new trans-national penal offence of genocide”<sup>11</sup>. Raphael Lemkin conducted a deep study in 1944 entitled “Axis Rule in Occupied Europe” where he proposed that the term “genocide” should be employed to describe “the destruction of a nation or of an ethnic group”<sup>12</sup>. The origin of the term “genocide” can be traced to the Greek words *genos* (race) and Latin *cide* (killing)<sup>13</sup>. The groups that Lemkin referred to were the ones which contributed to the cultural and intellectual enrichment of the global society, but often lacked in the powers to make all efforts to defend even themselves. Later, the scholar made a huge contribution to formulate the definition of United Nations Genocide Convention adopted in 1948.

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<sup>8</sup> Vahakn N. Dadrian *The Irrefutable Major Facts of the Armenian Genocide* ( Armenian Bar Association, Los Angeles, California, 2007) p. 4

<sup>9</sup> William A. Schabas, *Genocide in International Law* (Cambridge University Press, 2000) p. 14

<sup>10</sup> Ibid, p. 26

<sup>11</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944) p. 91

<sup>12</sup> Ibid, p. 95

<sup>13</sup> Rummel R.J. , *Death by Government* from <http://www.hawaii.edu/powerkills/DBG.CHAP2.HTM>

The Convention describes the phenomenon of genocide broadly in details as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group”<sup>14</sup>.

Nevertheless that United Nations Convention of Genocide was formulated in the shadow of Auschwitz. It is stated that Lemkin’s prosecution of “criminal intent to destroy or to cripple permanently a human group”<sup>15</sup> was based not only the evidence committed by Nazi, but also the acts committed deliberately by Young Turks against Armenians. Any act of genocide contributes to the mass emigration and internal disturbances which require the international intervention of different countries without thinking about the causes and feedback of the other nations. It is indicated that the prevention of genocide is a highly-appreciated humanitarian value which prevents these large losses of humanity under different circumstances. During the World War II the Nazi exterminated six million of Europe’s Jews without any empathy<sup>16</sup>.

With regard to the term “genocide”, during the Nuremberg Tribunal there was no specific reference to the recently established term “genocide”. However, it did appear in the indictment and was occasionally referred to the Prosecution<sup>17</sup>.

What is nowadays known as “genocide” was prosecuted under the kind of crimes against humanity at the Nuremberg Tribunal. This Tribunal was the first until the establishment of the International Criminal Tribunal for the evidence occurred in Yugoslavia and Rwanda almost fifty years later.

Now, the perception of the crime of genocide, as defined in the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 has become inseparable part of international law and a norm of *jus cogens*. The General Assembly resolution 95(1) dated December 11, 1946 declares:

*The genocide is a crime under the international law which the civilized world condemns, and for the commission of which principals and accomplices- whether private individuals, public officials or statesmen, and whether the crime is committed on the religious, racial, political or any other grounds-are punishable*<sup>18</sup>

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<sup>14</sup> Robert Gellately and Ben Kiernan, *The spectre of Genocide: Mass Murder in Historical Perspective*, (Cambridge University Press, 2003) p. 3

<sup>15</sup> Ibid, p. 4

<sup>16</sup> Ibid, p. 5

<sup>17</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944) p. 91-93

<sup>18</sup> [The Crime of Genocide \[1946\] UNGARsn 72: A/RES/96 \(I\) \(11 December 1946\)](http://www.worldlii.org/int/other/UNGARsn/1946/72.pdf)  
<http://www.worldlii.org/int/other/UNGARsn/1946/72.pdf>

Also, the phenomenon of “genocide” appeared very early, but many studies about the proofs of mass murder and genocide appeared at the end of the twentieth century. The main question discussed and investigated in all studies of mass murder and genocide is, why the “enemy” must be “exterminated”. In light of this, there are two camps of scholars who have different opinions regarding the age of the term “genocide”. Scholars from various fields try to answer that question. One group of scholars suggests that genocide like war, massacre, and other atrocities have occurred during all the history of humanity in all parts of the world and accentuates the continuities and recurrence of mass murder, whereas, another group highlights the specific modernity of genocide<sup>19</sup>.

The aim of this research paper is to find an answer to the question whether the Genocide Convention is applicable in the Armenian case or not. For many scholars this question is quite clear and does not require additional debates, simply because the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted in 1948, and it does not have a retroactive effect on the events occurred in 1914-15 in the Ottoman Empire. Within the scope of this paper, the essayist will present arguments on the researchable question and by scrutinizing the gathered data analysis.

This issue is of multifaceted nature, and this research paper does not intend to discuss or dispute various historical aspects associated with the Armenian genocide. The author will not become involved in a historical debate that a million and a half Armenians were killed as a result of intentionally organized massacres but will focus upon the issues from the legal perspectives. It is recognized that Ottoman Armenians were the victims of massacres committed by Turkish government in the first half of the twentieth century. In light of this, there will be a thorough analysis on the development of the international law during the last century relating to the establishment of principles and rules prosecuted the crimes against humanity as well as another multilayer look will be at the question regarding the applicability on United Nations Convention of Genocide to the Armenian case.

The writer of this research paper will convince that the United Nations Convention on the Prevention and Punishment of the Crime of Genocide 1948 can be applicable to the Armenian case. The above-mentioned arguments including reference to scholars supporting the question of applicability of Genocide Convention to the Armenian case, as well as the author’s analysis and viewpoint regarding this issue will be presented in chapter one of this research paper.

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<sup>19</sup> Robert Gellately and Ben Kiernan, Yale University, Connecticut, *The Specter of Genocide: Mass Murder in Historical Perspective* (Cambridge University Press, 2003) p. 9

Furthermore, the aim of current research paper is to shed light on the presented term “genocide” to describe the Ottoman mass slaughter of the Armenians nearly a century ago, long history of controversy between the Armenians and the Turks trying to find out what are Turkey’s international legal obligations and responsibilities for the Armenian Genocide as well as what norms and principles of the international law are applicable in this specific case. In light of this, it is worth stating that the violent crime against the Armenian people still awaits for a response from the government of the Republic of Turkey. The Armenian Genocide should be recognized as soon as possible with all its outcomes and consequently, the damages caused by this unexpected but at the same time deliberately-conducted action need to be repaired. As the successor of the Ottoman Empire, the Turkish state has international legal obligations towards the nation whose regular life routine had been dramatically changed under the actions of the Ottoman Empire. Responsibility for crimes under international law falls upon the state that commits them as well as its successor according to the principle of continuity and responsibility of states<sup>1</sup>.

The present paper consists of two chapters. The first chapter will discuss the development of International Law related to the phenomenon of genocide and the applicability of the United Nations

Convention on the Prevention and Punishment of the Crime of Genocide 1948 to the Armenian genocide.

The second chapter will try to discover different attitudes towards the evidence underlying the violence conducted by the Ottoman Empire in the first half of the twentieth century. These attitudes will be analyzed depending on political positions of several countries, especially Israel, Ukraine, the USA, and Turkey.

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<sup>1</sup>20Alfred de Zayas , “The Genocide against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention” from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)



## The Procedure of International Law and the Nuremberg Tribunals Development

There is a reasonable suggestion by various scholars aiming at the issue that the best source of evidence related to the fact that the international law contains a rule presenting genocide as a “crime against humanity” consequently making such crimes punishable under international law was the judgment of the Nuremberg Tribunal in 1946, where Nazi war criminals were tried by the Allied powers for their involvement in the extermination of six million of European Jews. Article 6(3) of the Charter of August 8, 1945, signed by the Allied Powers, defined crimes against humanity as “*Murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, on racial or religious grounds*”<sup>21</sup>.

Although this view was certainly true with regards to war crimes, it was not as applicable when it referred to “crimes against humanity” as it is argued that prior to the trials at Nuremberg, the term “crimes against humanity” had no fixed legal meaning.<sup>22</sup>

The status of the Armenian nation within the Ottoman Empire is of great significance as this autonomy can be traced to the origins of the Ottoman Empire itself. Similar to other Christian communities that autonomy lacked in political content containing the multidimensional scope of regulation of politics in the country. It had a religious dimension with cultural and social implications by emphasizing the particular rules and regulations to which the Christians were subjected in Muslim countries, notably in matters of personal statute.<sup>23</sup>

Meanwhile, the Ottoman Turkey was obliged to provide an adequate administrative system to the population in the interior of the Empire: the Sublime Porte undertakes some measures to realize, without any further delay, the upcoming improvements and reforms demanded by the local needs in the rural areas and provinces inhabited by the Armenians by highlighting their guarantee, in particular, their security against Kurds and Circassians (Article 16, Treaty of San-Stefano with Russia, 3 March 1878).<sup>24</sup>

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21 United Nations, *Charter of the International Military Tribunal - Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement")*, 8 August 1945, from <http://www.unhcr.org/refworld/docid/3ae6b39614.html>

22 Libaridian Gerard (ed), *Crime of Silence, The Armenian Genocide: Permanent Peoples' Tribunal* (London: Zed Books Ltd., 1985) p. 194

<sup>23</sup> Winter Jay, *America and the Armenian Genocide of 1915*, (Cambridge University Press, 2003) p. 17

24 Supra note 1, p. 194

The Treaty of Berlin of 13 July, 1878 confirmed the same and placed the execution of reform under the control of the Powers which 20 years earlier had authorized the Sublime Porte to take part in the benefits of public law and in the European concert (Treaty of Paris of 3 March 1856). This meant to be the basis for the Ottoman Empire and to be accepted in international society in all over the world. Article 61 of the Treaty of Berlin, in fact, reconsidered the formula of the Treaty of San Stefano by specifying that Sublime Porte will inform the Powers periodically of measures undertaken with regard to the impact of the Powers who have supervised their application in all aspects of the existence of the Armenians .This article however was never put into effect, even though many reform plans and blueprints were regularly presented by the Turkish authorities.

The punishment of the crime of genocide – whether exterminations, evacuations, mass atrocities, annihilation, liquidations, massacres or ethnic cleansing –as well as the obligation to make restitution to the survivors of the victims, were envisaged by the victorious Allies of the First World War and included in the text of the Peace Treaty of Sevres of 10 August, 1920 between the Allies and the Ottoman Empire. This Treaty contained not only a commitment to try Turkish officials for war crimes committed by Ottoman Turkey against Allied nationals, but also for crimes committed by Turkish authorities against subjects of the Ottoman Empire of different ethnic origins, in particular the Armenians, crimes as endemic issues which today would be termed genocide, and would also fall under the more broadly generic term “crimes against humanity”<sup>25</sup>.

The principle of restitution for the victims existed was reflected in article 144 of the Treaty of Sevres. According to this Treaty the governmental officials in Turkey are very concerned about any effective ways to facilitate the non-Turkish residents who have been forced to move from their homes by threats of massacre or other means of fear since January 1, 1914. As a result of the Treaty of Sevres these non-Turkish population will be supported to return their homes and re-establish their company matters and businesses to the greatest possible extent.

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<sup>25</sup>Alfred de Zayas , “The Genocide against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention” from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)

The Treaty of Sevres recognizes that any immovable or movable property of the above mentioned Turkish subjects or of the communities to which they belong, which can be recovered, must be restored to them as soon as possible, in whatever hands it may be found. “The Turkish Government agrees that arbitral commissions shall be appointed by the Council of the League of Nations wherever found necessary. These arbitral commissions shall hear all claims covered by this Article and decide them by summary procedure.”<sup>26</sup>

Pursuant to article 230 of the Treaty of Sevres: “The Turkish Government undertakes to hand over to the Allied Powers the persons whose surrender may be required by the latter as being responsible for the massacres committed during the continuance of the state of war on the territory which formed a part of the Turkish Empire on 1 August, 1914. The Allied Powers reserve to themselves the right to designate the Tribunal which shall try the persons so accused and the Turkish Government undertakes some steps to recognize such Tribunal....”<sup>27</sup>

Although Turkey signed the Treaty of Sevres, formal ratification never followed, and the Allies did not even try to apply the necessary political and economic pressure on Turkey so as to ensure its implementation within the needed scope. It is considered that the so-called ‘failure’ was probably caused by the set of processes mentioned above, in other words, the failure was attributable to the international political disarray following the First World War, the rise of the Soviet Russia, the withdrawal of British military presence from Turkey, the conducted policies accompanied by isolations of the United States, the collapse of the Young Turk regime and the rise of Kemalism in Turkey.

It is worth mentioning that no international criminal tribunal as envisaged in Article 230 was ever established. In addition to this, no arbitral commissions as stipulated for in Article 144 were ever set up. In spite of the fact that the Treaty of Sevres never entered into force, the text of the Treaty still remains a part of expressive evidence of the international recognition of the committed crime of ‘massacres’ against the Armenian population of Turkey.

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26 Sevres, Treaty of (1920) Peace treaty between Turkey and its European opponents in World War 1 that imposed harsh terms on the Ottoman Sultan. It was not accepted by the Turkish nationalists led by Ataturk, who fought a war for Turkish independence (1919–22). The treaty, never ratified, was superseded by the Treaty of Lausanne (1923).

27 Ibid

Another article entitled “Current Tendencies and Developments in the Fields of State Responsibility” by Vladimir Vardanyan is intended to alert the issues about the State Responsibility for Genocide where it is mentioned that “de facto” the Convention of Genocide was virtually unused for half a century and one can claim that the practical application of Genocide Convention commenced at the end of the twentieth century. Hence, the matter of State responsibility for Genocide has been transferred on a new stage of consideration. After analyzing the issue of State responsibility for Genocide and the necessary conditions for bringing states to the international legal responsibility for Genocide, in the final part of his work, Vardanyan expressed a very interesting thought regarding the retrospective application of the Genocide Convention. He considered that the issue of the retrospective application of the Convention is a matter of interpretation and “all opinions on possibility and impossibility of the retroactive application of the Convention will remain merely theoretical comments”<sup>28</sup>.

A new peace treaty emerged between Kemalist Turkey and the Allie (British Empire, France, Italy, Japan Greece, Romania and the Serb-Croat-Slovene state). The Treaty of Lousanne<sup>29</sup> of 24 July 1923 abandoned the Allied for international trial and punishment of the Ottoman Turks for the genocide against Armenians, the commitment to grant reparation to the survivors of the genocide.

In the framework of this research paper I will examine the available possibility to demonstrate the existence of international law relating to the punishment of genocide and crimes against humanity at the time when the massacres against Armenians were committed and will try to interpret the evidences occurred in the Ottoman Empire in a way that it could support such affirmation.

Through the centuries the Armenian minority in the Ottoman Empire was exposed to sporadic prosecutions and killings. As a result, the Armenian population in the Western Armenian territory was tortured, massacred, and starved. The majority of the common people were intentionally sent into the desert to die under different unbearable circumstances, more specifically die of thirst and hunger. The peak of such kind of actions was the radical and predominated actions of the Turkish government during World War One directed to extermination of the Armenian population living in the Western part of Turkey.

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28 Vladimir Vardanyan, “Current Tendencies and Developments in the Field of State Responsibility for Genocide” (2009) Noravank Foundation, Yerevan

<sup>29</sup>*Treaty of Lausanne (1923), Milestone Documents.* Retrieved September 25, 2013 from <http://www.milestonedocuments.com/documents/view/treaty-of-lausanne/text>,

Turkish “nationalism” drove out Armenians from their home and their motherland by contributing to the establishment of Armenian Diasporas in different edges of the world. In spite of the passing of approximately 95 years, the majority of Armenians living throughout of the world feel aggrieved to this day at the lack of universal recognition of the event which resulted in the death of approximately one and a half million people over a period of seven years.

It is worth mentioning that the various Hague Conventions and the humanitarian intervention on the part of the European Powers within that time period could serve as a proof for developing a rule arising from state Practice to the effect that definite actions committed by a State against its own population is so dreadful and painful in nature that the international community looked upon them as crimes against humanity.<sup>30</sup>

By 1918 and the end of the war, Allied rhetoric transformed into expectations for international criminal accountability. This led to the creation of the Commission on the Responsibility of the Authors of the War and on the Enforcement of Penalties in January 1919 whose mandate was to investigate the Central Powers and their allies “barbarous or illegitimate methods in violation of the established laws and customs of war and elementary laws of humanity”.<sup>31</sup>

The Commission suggested the creation of a tribunal which would apply “the principles of the law of nations as they result from the usages of established among civilized people, from the laws of humanity and from the dictates of public conscience”.<sup>32</sup>

There is a widely-spread viewpoint in the international law that the Genocide Convention of 1948 was not constitutive of a new offence in international law termed “genocide”, but was declaratory of the pre-existing crime; in other words, the Convention codified the prohibition of massacres, which was already binding international law. In light of this, the Convention is necessarily both retrospective and future-oriented.

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30 *Treaty of Lausanne (1923), Milestone Documents*. Retrieved September 25, 2013 from <http://www.milestonedocuments.com/documents/view/treaty-of-lausanne/text>.

31 Libaridian Gerard (ed). *Crime of Silence, The Armenian Genocide: Permanent Peoples' Tribunal* (London: Zed Books Ltd., 1985) p. 194

<sup>32</sup>Neshan Minassian “International Law and the Road to Recovery” (2013) p.52. from <http://www.kslr.org.uk/sites/default/files/publications/The%20Armenian%20Genocide.pdf>

A very significant obligation was added by the Genocide Convention to the existing body of international law which was an affirmative step on States parties to make provision for effective penalties for all acts punishable under the Convention (article V), a duty to prosecute (article VI) by a competent national tribunal or by an international criminal court to be established. Moreover, the Convention creates a preventive mechanism by urging States to call upon organs of the United Nations to undertake corresponding measures (article VIII), and confers jurisdiction on the International Court of Justice in all matters referring to the Genocide Convention by including determination of the responsibility of a State for genocide (article IX).

It is interesting to note that the United Nations Commission on Human Rights claimed in 1969 the idea that “It is therefore taken for granted that as a codification of existing international law the Convention on the Prevention and Punishment of the Crime of Genocide did neither extend nor restrain the notion genocide, but that it only defined it more precisely”<sup>33</sup>

Notwithstanding the above mentioned opinions, Geoffrey Robertson has another opinion on this issue by disagreeing with the fact that United Nations Convention on the Prevention and Punishment of the Crime of Genocide is retroactive and does not accept the view of those legal scholars who believe that it can be applied retrospectively<sup>34</sup>. He bases his argument on the Vienna Convention the Law of Treaties<sup>35</sup>, which sets up a presumption that treaties are not retrospective. The United Nation Convention on the Prevention and Punishment of the Crime of Genocide can be applied retroactively to the Armenian genocide, because most provisions of the Convention are declarative of pre-existing international law.

There are numerous precedents for the retroactive application of treaties, including the London Agreement of 8 August 1945 establishing the Nuremberg Tribunal, and the Convention on the Non-Applicability of Statutes of Limitations to War Crimes against Humanity of 1968. It should be remembered that the United Nation Convention on the Prevention and Punishment of the Crime of Genocide did not “create” the crime of genocide, but was intended to strengthen the per-existing claims of victims of genocide, including the victims of the Armenian genocide and the Holocaust<sup>36</sup>.

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<sup>33</sup>Alfred de Zayas , “The Genocide against the Armenians 1915-1923 and the Relevance of the 1948

Genocide Convention” from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)

<sup>34</sup>Geoffrey Robertson, *Was there an Armenian Genocide?* (Legal Opinion, London, 2009) p. 14

<sup>35</sup>United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p.33

<sup>36</sup> Alfred de Zayas , “The Genocide against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention” from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)

By unveiling Alfred Zayas's viewpoint, another emphasis stands out: "There is precedent for the ex post facto drafting and adoption of international penal charters by the United Nations Security Council under its Chapter VII jurisdiction, such as the Statutes of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, and the International Tribunal for Sierra Leone"<sup>37</sup>.

The author argues his own point of view stating that despite of the fact that the Genocide Convention was adopted after the World War II, it was applicable to the crimes committed by the Nazi. Consequently, according to Zayas's opinion, the UN Convention of the Prevention and Punishment of the Crime of Genocide adopted in 1948 can be retroactive and applicable to the Armenian case.

In various speeches on Armenian Genocide Zayas announced that law is necessary for not only treaties and conventions, but also for the pronouncements of the highest national and international courts and tribunals. However, the legal norms are not identical with their enforcement. For this reason, the political will of the powerful nations is necessary otherwise it will result in multiple obstacles on the path to recognition and reparation. It is worth mentioning that some of these barriers have already been overcome.

The first one was that great wall of silence – everybody knows what Hitler sarcastically observed about the world's indifference and disregardful attitude towards the Armenian case. Nonetheless, until now the painful reality of the Armenian genocide has been recognized by an ever increasing number of governments and parliaments, and even by the judiciary. Not long ago, on 1 April 2011, the Argentinean Poder Judicial de la Nacion, the federal Court of Buenos Aires, issued a Declarative Resolution on the basis of extensive evidence submitted to the Court.<sup>38</sup>

Another obstacle on the way to recognition and reparation is closely related to the huge wall of disinformation or unawareness which is accompanied by misleading public opinion. Though there is no way to ignore the fact that there are no Armenians living in Eastern Turkey which is expressed by the evident destruction of 4000 years of Armenian presence in Asia Minor, the devastation of the churches and monasteries, of the villages and cemeteries, of monuments and symbols.

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<sup>37</sup>Alfred de Zayas, "The Genocide against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention" from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)

<sup>38</sup>"Genocide Recognition" from

[http://www.anca.org/genocide\\_resource/recognition.php](http://www.anca.org/genocide_resource/recognition.php)

And all these are explained by the Turkish government that in all armed conflicts common population get caught in the crossfire, that the Ottoman authorities only wanted to “evacuate” Armenians from the war zone. On the other hand, there is another obstacle dealing with the fact that Turkey is not the successor state of the Ottoman Empire and that it therefore does not have a duty of reparation.

The same opinion regarding the applicability of the United Nations Genocide Convention to the Armenian genocide is presented in the book by Yuri Barsegov entitled “Genocide against Armenians –crime against humanity”. This book discusses the Armenian long-lasting issue of genocide in the context of international law and the applicability of the United Nations Convention

on the Prevention and Punishment of the Crime of Genocide 1948 to the Armenian genocide. Drawing the parallel between the evidences occurred in 1915-1921 and the Nuremberg Trial, the author mentioned that even the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted later and the term “genocide” was not mentioned during the Nuremberg Trials, it is obvious that this document implied exactly such kind of crimes which will be named as a genocide. According to the author’s opinion, the international law recognizes the punishment of all acts of genocide committed before the entry into force of the Convention of Genocide.

Despite the existence of serious doubt as to whether it is possible to touch upon the term “genocide” in relation to crimes committed before the adoption of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide. On the one hand, the Armenian genocide is not necessarily to be accepted as genocide under the law.

In the case of the Armenians, there were such committed acts that are mentioned in all points of the Genocide Convention. Moreover, during the history and in the period from 1880 to 1923 the Armenians were discriminated, murdered, only for their belonging to another religion, beliefs and culture. The women are raped or killed or forcibly converted into the Muslim religion. The situation was dramatic because the Armenians were the national minority on their own historical motherland.<sup>39</sup>

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<sup>39</sup> Robert Gellately and Ben Kiernan, Yale University, Connecticut, *The Specter of Genocide: Mass Murder in Historical Perspective* (Cambridge University Press, 2003) p. 9



In light of the above discussed ideas in order to implement the applicable norms of international law, the most needed and indispensable criterion is the political will of governments throughout the world to ensure that appropriate legislative and judicial measures are taken in order to. For this political will to materialize, it is vital and unavoidable to mobilize civil society in all countries, to educate through the disciplines within the university curriculum, high school subject areas and the media, and to appeal to the overarching principle of human dignity from which all human rights derive. To discriminate among victims of genocide is unacceptable and entails in itself a separate and distinct violation of human dignity.

### **The attitudes of some countries towards the Armenian genocide**

In the second chapter of the current research paper another attempt will be made to present the existing attitudes towards the Armenian genocide depending on the political position of a country. The existence of multiple attitudes and viewpoints will be presented through the comparison of the recognition of the Jewish and the Armenian genocide by some countries in the world, more specifically Israel, the USA, Ukraine and Turkey.

The twentieth century can be considered as a century of genocide. During this period of the history of humanity two World Wars, major revolutions, colonial and anticolonial conflicts took place. This era started with the Armenian Genocide which can be considered as the first genocide of the twentieth century. The Genocide of the Armenians by the Turkish government during World War I represents a major tragedy of the modern age. As a result of the first Genocide of the twentieth century, almost an entire nation was destroyed. Approximately one and a half million Armenians perished between 1915 and 1923. It was unbelievable to realize that within months, the Euphrates and Tigris rivers could become clogged with the bodies of innocent Armenian women and children, polluting the water supply for those who had not yet perished. It is worth mentioning that another half million found their shelters abroad by formation Armenian Diaspora<sup>40</sup>. Those who could be eyewitnesses of this tragedy took numerous photos related to the Armenian genocide notwithstanding the fact that during the First World War the Turkish government strongly prohibited taking any photos of Armenian deportees or bodies of those, who were killed or died during the death marches. The photos taken by eyewitnesses are included in the holdings of many worldwide, in particular Russian, German, Austrian, American, Norwegian, Armenian and others. Nowadays Armenian generation highly appreciates the undertakings of the above mentioned archives in different parts of the world for keeping all these photos as diverse adversities existed within the period of the tragic events, when photo cameras were not available for everyone, especially in the war time period and in the places out of the main urban centers or farther rural areas, those photos represent as the most important evidence of the tragedy of Armenian nation. Nevertheless there are hundreds of photo evidences of the Armenian genocide, which are the main visual sources of the first genocide of the twenties century. The Armenians were driven out brutally from the length and breadth of the empire<sup>41</sup>.

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<sup>40</sup>Демоян Г. “ Республика депортаций и погромов” (2005) from <http://www.genocide.ru/lib/demoyan.htm>

<sup>41</sup> Ibid

The genocide was described by the wartime United States ambassador to Turkey Henry Morgenthau as “The Murder of a Nation”<sup>42</sup>. There is no doubt that during all history of mankind a great number of mass crimes were committed. Hence, there is no need to prove that the genocide as a phenomenon had not existed before. Various scholars of different nationalities in their researches named the acts contributing to the loss of humanity as mass killing, mass crimes, vandalism acts, mass extermination, ethnic cleaning. All of these names will find their reflection in one word, “genocide” coined by Lemkin in 1944 as the term described the “great loss of humanity”<sup>43</sup>. I would like to stop on the twentieth century which as Eric Hološbawm mentioned in his book entitled “The History of the World, 1914-1994” has been described as an “age of extremes”<sup>44</sup>. The list of genocides in the twentieth century is long. We can mention the genocides of the Armenians, the Jews, the Slovenian people, and the genocide of the Chinese people committed by the Japanese, the genocides in Yugoslavia, Cambodia and Rwanda. The recognition or non-recognition any of such kinds of the above-mentioned genocides has some political grounds. The recognition of the fact of genocide may lead the countries to some kind of responsibility for the acts committed by the governments of these countries.

The aim of this research paper is not to attempt to discuss all of them but try to uncover the reasons why the Armenian genocide, which under the points stated in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide Convention matched fully the term of genocide, is still not recognized by some countries, especially by Israel, the USA, Ukraine and Turkey.

Israel as a country was established after the World War II in 1946. The habitants of this country are Jews, who had a difficult and eventful history as well as had to live, co-exist and create among people of different nationalities side by side. Jews survived the Holocaust and they do realize what the genocide is. It is obvious that this country should recognize the genocide of another nation simply because they survived the acts of vandalism committed by Nazi during the Second World War.

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<sup>42</sup> Vahakn N. Dadirian *The Irrefutable Major Facts of the Armenian Genocide* (Armenian Bar Association, Los Angeles, California, 2007) p. 2

<sup>43</sup> Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944) p. 95

<sup>44</sup> Robert Gellately and Ben Kiernan, Yale Niversity, Connecticut, *The Specter of Genocide: Muss Murder in Historical Perspective* (Cambridge University Press, 2003) p. 3

These acts aimed at the extermination of Jewish nation. Notwithstanding these facts, Israel as a State still has not recognized the Armenian genocide. Moreover, in 2001 the President of Israel and a Nobel Prize winner Simon Peres during his visit to Turkey declared that “it is senseless to prove that the Armenians like the Jews were exposed to genocide. Furthermore, in the question of genocide the identification of Armenians with Jews is unacceptable”<sup>45</sup>. The reason for such kind of declaration and not recognition of the Armenian genocide by the Jewish government is the following:

After the Arabian-Jewish conflict, Israel as a State remained alone and had to find the Allies among the countries located in the Middle East. The recognition of newly-established country by such a powerful and commonwealth country such as Turkey was very important and cherished for Israel. Having the aim to continue good and friendly relations with Turkey, which passed through reforms and was oriented towards Europe Israel excluded the question of recognition of the Armenian genocide from the internal and external policy of own country. This is one of the most important reasons why Israel has not recognized the Armenian genocide. The government of Israel argues his own stance that Holocaust was the unique and unequal evidence in the history of humanity. Furthermore, there is very interesting and ambiguous statement of the current Prime Minister of Israel named Benyamin Netanyahu who during his visit to the Ukraine said that “Golodomor was as a demonstration of dictator Stalin’s extremism towards Ukrainians”.<sup>46</sup> He promised the support of his party in case of recognition of this events which took place in the former Soviet Union as a genocide towards Ukrainians. It is interesting to mention about the expression of one of the Ukrainian professors during the Ukrainian-Jewish colloquium who claimed that “Ukraine has recognized that millions of Jewish were murdered in Holocaust. Hence, we hope that the Jews also would recognize the same terrible patience of the Ukrainian people which they had during the existence of Stalin’s regime”<sup>47</sup>.

The genocide of the Ukrainian people is recognized by eleven countries including the USA, Canada, Australia, Georgia, Moldova and the Baltic countries. Russia has not recognized this fact arguing that the same acts were committed in all parts of the former Soviet Union and were as the evidence of Stalin’s dictatorship.

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<sup>45</sup> Сулейманов Р.Р., “Израиль и проблема признания геноцида армян” Институт Ближнего Востока from [http:// www.iimes.ru/?p=5650](http://www.iimes.ru/?p=5650)

<sup>46</sup> Ibid

<sup>47</sup> Ibid

Undoubtedly, the fate of the Ukrainians in the late 1920s was very tragic. Several million Ukrainians who were the peasants were known as a “kulak” and characterized as a “devil”. Trying to analyze the events occurred in the Ukraine and the Ottoman Empire the writer of this research paper has drawn the conclusion that each of these tragic events undoubtedly can be recognized as an act of genocide. The reason for such kind of statement is that each of these evidences occurred in different periods of the last century has one or more specific features of genocide. These peculiarities are presented in the United Nations Convention of Genocide and were described by Raphael Lemkin in his study entitled “Axis Rule in Occupied Europe”. Nevertheless, Israel is aware to recognize mass crimes of the Ukrainians as a genocide but does not recognize as a genocide the atrocities committed by Turkey towards the Christian minority who lived on the territory of the Ottoman Empire.

Now the author of this research paper will try to explore the position of the USA regarding the Armenian case. The 43 of 50 states in the United States of America recognized the events occurred in 1915-1922 as genocide committed by Young Turk government towards the Armenian national minority living in the Ottoman Empire.

Notwithstanding the fact, the USA as a country has not recognized these mass crimes as a genocide. Here are also the political motives for not recognition of the acts committed by Young Turks’ government towards the Armenian minority as genocide. On the one hand, Turkey is a member of North Atlantic Treaty Organization and “one of declared goals of NATO is to ensure the containment of any form of aggression against the territory of any NATO member state, or the protection of it”<sup>48</sup>. Hence, the USA cannot bother its ally in the Middle East which also has a confederate of Israel. Nowadays, Turkey is a big almost self-sufficient country with a large number of populations, developing and promising economy which has an aim to become a member of European Union and a part of European Community. Each mentioning related to the cloud pages of the history of this country regarding the minorities living on its own territory arise discontent among the political spheres of Turkey.

On the other hand, if in a case of Jews Germany had only the material compensation, in case of Armenians Turkey has not only made the material but also the territorial reimbursement. The recognition of the act of genocide may lead the State to certain commitments. Therefore, denial from recognition of genocide is an evidence of desire to refuse any kind of obligation towards the rights of peaceful population. In case of recognition of genocide by Turkey the damages need to be compensated and the Turkish state has to fulfil the international obligations stipulated by international law. The situation becomes more frustrating and unpleasant for Turkey in that the Armenians who were one of the Christian minorities in the Ottoman Empire lived on the land which was their historic motherland in the Middle Ages.

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<sup>48</sup> [www.en.wikipedia.org/wiki/NATO](http://www.en.wikipedia.org/wiki/NATO)

The recognition of this historic fact as well as the fact of committed atrocities towards the whole Armenian habitants of the Empire is unacceptable for Turkey.

In the spring of 1938, the Turkish government carried out the punitive raid against the Kurds of Dersim region. Numerous Kurds were killed; many were deported to villages in Central Anatolia. It is noticeable that the history is repeated. It is stated that there is no national minority and the “question” no longer exists in Turkey. A year later the Nazi began the campaign against Jews. Likewise the Armenians whose the only “crime” in the period of 1915 to 1922 was to have been born Armenian, the only “crime” of the Jews in the period of 1939 to 19455 was to have been born Jewish. This is an evident similarity in those two tragic events.<sup>49</sup>

The scholar Heath W. Lowry in his article “ The U. S. Congress and Adolf Hitler on Armenians” mentioned the utterances by Hitler; “Who, after all, speaks today of the extermination of the Armenians?”<sup>50</sup> had nothing common with the massacres towards Jews committed during World War II. These words were said by Hitler before the beginning of his company to the East and related to the extermination of the Poles and expansion of the territory of Nazi Germany.

Nevertheless, even if Hitler did not say these words for justifying the acts of vandalism committed by Nazi Germany towards Jewish people, it was obvious that forgetting about brutal massacres towards Armenians, humanity closed the eyes on the lessons of history. As a result of such kind of passive and voiceless behaviour was the challenge of a new, improved and wide-ranging type of genocide committed by the Nazi towards the Jewish and Slavonic nations during the World War II.

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<sup>49</sup>Winter Jay, *America and the Armenian Genocide of 1915*, (Cambridge University Press, 2003) p. 24

<sup>50</sup>Heath W. Lowry, “The U.S. Congress and Adolf Hitler on the Armenians” from <http://www.ataa.org/reference/hitler-lowry.html>

## CONCLUSION

One of the most painful losses of certain proportion of the Armenian population in history is the Armenian genocide which refers to the events that took place in Asia Minor, also known as Anatolia, largely between 1915 and 1916. This tragedy called “genocide” happened while the eastern most land front of World War I was being fought between Ottoman and Russian forces in the harsh, mountainous territory of the Caucasus.

During the research process, some sort of conclusion has been drawn that is mainly related to the most significant issue on the outcomes to recognition of the Armenian massacres as genocide by Ottoman Turkey for the victims and their descendants. That is obviously related to the possible entitlement to compensation and restitution of land. This issue however cannot be conceptualized or over simplified. It is simple to perhaps assert that if a wrong has been done then there is a moral obligation for those who have been wronged against to be compensated. However, careful assessment of the logistics and practicalities of awarding compensation is crucial. These considerations include the manner in which compensation should be determined.

This paper discussed about the development of international law in the context of the phenomenon of genocide. Some questions touched related to the attitudes of several countries towards the Armenian genocide.. The question about the applicability of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide adopted on December 9, 1948 and entered into force on January 12, 1951 to the Armenian genocide has been analyzed in the current research paper from different perspectives. Based on the existing researches of the scholars from various schools and tendencies, it should be concluded that the Genocide Convention can be applicable to the events occurred 1915-1922 committed against Armenians (hereinafter “the Genocide”) in Turkey. It is stated, that one of the reasons that the Genocide Convention has not been retroactive and not applicable to the Armenian case is that it was adopted thirty three years after the events occurred in Ottoman Empire during World War I. Moreover, even if the Convention on the Prevention and Punishment of the Crime of Genocide cannot be retroactive and applicable to the Armenian Genocide there is the definition in this convention which states that the genocide is a crime under international law. The article I of the United Nations Genocide Convention stipulates that that genocide committed in time of peace or in time of war, is a crime under international law and should be prevent and punish.

According to the above-mentioned reasons, the events occurred in the Turkish Ottoman Empire towards Armenians can be recognized as a Genocide under the international law. Otherwise, in case of murders of twelve millions of Slavonic and Jewish people during World War II it cannot be claimed that it was genocide as these crimes were committed before the

adoption of United Nations Convention of Genocide. The fact that in case of enumeration of crimes qualifying as the crime against humanity the Statute of the International Military Tribunal did not mention the term genocide, undoubtedly this document meant that type of crimes which will named as a genocide in the future. Consequently, the international law recognizes the punishment of all crimes of genocide committed before entering into force the United Nations Convention on the Prevention and Punishment of the Crime of Genocide of 1948. The crimes committed before the adoption of the United Nations Genocide Convention did not the name and it worth to mentioning that the word “genocide” proposed by Raphael Lemkin in 1944 was a kind of shell which was needed humankind for gathering and collecting all the crimes committed against common people during all history of humanity.



## BIBLIOGRAPHY

Alfred de Zayas, "The Genocide against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention"

from [http://alfreddezayas.com/Law\\_history/armlegopi.shtml](http://alfreddezayas.com/Law_history/armlegopi.shtml)

"Genocide Recognition" from

[http://www.anca.org/genocide\\_resource/recognition.php](http://www.anca.org/genocide_resource/recognition.php)

Geoffrey Robertson, *Was there an Armenian Genocide?* (Legal Opinion, London, 2009)

Jay Winter, *America and the Armenian Genocide of 1915* (Cambridge University Press, 2003)

Libaridian Gerard (ed). *Crime of Silence, The Armenian Genocide: Permanent Peoples' Tribunal* (London: Zed Books Ltd., 1985)

Neshan Minassian "International Law and the Road to Recovery" (2013) from

<http://www.kslr.org.uk/sites/default/files/publications/The%20Armenian%20Genocide.pdf>

Raphael Lemkin *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress* (Washington, D.C.: Carnegie Endowment for International Peace, 1944)

Robert Gellately and Ben Kiernan, Yale University, Connecticut, *The Specter of Genocide: Mussolini's Murder in Historical Perspective* (Cambridge University Press, 2003)

Rummel R.J. , *Death by Government* from

<http://www.hawaii.edu/powerkills/DBG.CHAP2.HTM>

*Treaty of Sevres (1920)* from

[http://en.wikipedia.org/wiki/Treaty\\_of\\_S%C3%A8vres](http://en.wikipedia.org/wiki/Treaty_of_S%C3%A8vres)

The Crime of Genocide [1946] UNGARsn 72; A/RES/96 (I) (11 December 1946)

<http://www.worldlii.org/int/other/UNGARsn/1946/72.pdf>

*Treaty of Lausanne (1923)* from

<http://www.milestonedocuments.com/documents/view/treaty-of-lausanne/text>,

United Nations, *Charter of the International Military Tribunal - Annex to the Agreement for the prosecution and punishment of the major war criminals of the European Axis ("London Agreement")*, (1945) from

<http://www.unhcr.org/refworld/docid/3ae6b39614.html>

United Nations, *Vienna Convention on the Law of Treaties*, (1969) United Nations, Treaty Series  
Vahakn N. Dadirian *The Irrefutable Major Facts of the Armenian Genocide* ( Armenian Bar Association, Los Angeles, California, 2007)

Vladimir Vardanyan, “Current Tendencies and Developments in the Field of State Responsibility for Genocide” (2009) Noravank Foundation, Yerevan

[www.en.wikipedia.org/wiki/NATO](http://www.en.wikipedia.org/wiki/NATO)

[http://www.0zd.ru/gosudarstvo\\_i\\_pravo/zashhita\\_prav\\_nacionalnyx\\_menshinstv.html](http://www.0zd.ru/gosudarstvo_i_pravo/zashhita_prav_nacionalnyx_menshinstv.html)

Демоян Г. “ Республика депортаций и погромов” (2005) from

<http://www.genocide.ru/lib/demoyan.htm>

Зара Геворкян, “Память о Геноциде армян должна стать частью европейской памяти о геноциде” from

<http://www.yerkramas.org/2013/04/02/pamyat-o-genocide-armyan-dolzhna-stala-chastyu-evropejskoj-pamyati-o-genocide/>

Сулейманов Р.Р., “Израиль и проблема признания геноцида армян” Институт Ближнего Востока from

[http:// www.iimes.ru/?p=5650](http://www.iimes.ru/?p=5650)

Юрий Барсегов, “Геноцид армян - преступление против человечества” (о правомерности термина и юридической квалификации) (1990) Издательство «Айастан», Ереван

Франц Верфель, *Сорок дней Муса-Дага* (Советакан грох, Ереван, 1984)