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Facts and Comments

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A Comparative Study Between the Katyń Massacres
(1940) and the Armenian Relocation (1915)

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Measures of the UN Security Council Against International
Terrorism and Globally Threatening Armenian Terrorism

Ramila Bahlul DADASHOVA



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CONTENTS*(İÇİNDEKİLER)*

	Page
Contributors	5
<i>(Yazarlar)</i>	
Editorial Note	7
<i>(Editörün Notu)</i>	
ARTICLES	9
<i>(MAKALELER)</i>	
Facts and Comments	9
<i>(Olaylar ve Yorumlar)</i>	
Editorial / <i>Başyazı</i>	
Alev KILIÇ	
Rewriting History and Passing Blame: A Comparative Study Between the Katyn Massacres (1940) and the Armenian Relocation (1915)	37
<i>(Tarihin Tekrar Yazılması ve Suçun Başkasının Üzerine Atılması: Katyn Katliamları (1940) ve Ermeni Sevk ve İskânı (1915) Arasında Karşılaştırmalı Bir Çalışma)</i>	
Research Article / <i>Araştırma Makalesi</i>	
Armand SAĞ	
Keys for a Legal Assessment of Genocide Recognition Demands and Reparation Claims of Armenians	69
<i>(Ermeniler Tarafından Ortaya Atılan Soykırım İddialarının Tanınması ve Tazminat Taleplerinin Hukuki Değerlendirmesine İlişkin Esaslar)</i>	
Other / <i>Diğer</i>	
Pulat TACAR	
Measures of the UN Security Council Against International Terrorism and Globally Threatening Armenian Terrorism	101
<i>(BM Güvenlik Konseyi'nin Uluslararası Terörle Mücadele Önlemleri ve Küresel Tehlike Arz Eden Ermeni Terörizmi)</i>	
Research Article / <i>Araştırma Makalesi</i>	
Ramila Bahlul DADASHOVA	

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Armand SAĞ is a Ph.D. fellow at Erasmus University Rotterdam and currently the chairman of Institute for Turkish Studies in Utrecht where he also works as a senior researcher. In addition to his work on nation building and historiography in Turkey, his research also covers the history of Central Asia and its linguistic heritage. He is the author of 'History and More: Reflections of a Historian' (2011), 'Learning Grammar of Turkey-Turkish' (2013), 'Nation-Building And Historiography In Modern Turkey: Anatolia, The Balkan And Geographical Emphasis' (2015), as well as the co-author of 'Revolutions in the Middle East: Perception and Consequences' (2012), among many other titles.



Ramila Bahlul DADASHOVA is the Deputy Director for Scientific Affairs at the Institute of Caucasus Studies of Azerbaijan National Academy of Sciences (ANAS). She graduated from the Faculty of Political Science of the State Academy of Governance under President of Azerbaijan Republic in 1996. In 1998, she graduated from Azerbaijan University of Languages and received degree on French Translation. She received her doctoral degree on History from Baku State University Faculty in 2003 and became Associate Professor of International Relations in 2014. She received another doctoral degree on Political Sciences from the State Academy of Governance under President of Azerbaijan Republic in 2018. Dadashova has authored 5 monographs and 82 scientific articles. Her scientific articles have been published in Azerbaijan and in other countries including Italy, India, Russia, Turkey, and Ukraine. She has taken part in many international scientific conferences held in Azerbaijan, Italy, Russia, Turkey, and Ukraine.



Retired Ambassador Dr. Pulat Yüksel TACAR graduated from Ankara University's Faculty of Political Science in 1954. He served as Turkey's ambassador to Indonesia between 1981-1984, to the European Community between 1984-1987, and to UNESCO between 1989-1995. He is the author of four books: *Kültürel Haklar, Dünyadaki Uygulamalar ve Türkiye İçin Bir Model Önerisi* (1996), *Siyasetin Finansmanı* (2000), *50. Yılında UNESCO: Mozart gibi Beyhude mi?* (1999), and *Terör ve Demokrasi* (1999) – for which he earned a Yunus Nadi Social Sciences award.



As always, the first article in the 39th issue of our journal is “**Facts and Comments**”. This article covers Turkey-Armenia relations as well as domestic and international developments concerning Armenia between January-July 2019. During this period, Nikol Pashinyan secured his position as the Prime Minister of Armenia following a solid electoral victory. Following his victory, he appointed his cabinet and reduced the number of ministries. His push to have the Ministry of Diaspora abolished and its functions to be absorbed by the Prime Ministry received considerable criticism from the Diaspora. However, he nevertheless went through with the decision. The arrest and trial of the former President Robert Kocharian developed into a power struggle between Pashinyan and Kocharian and their supporters. In foreign relations, Armenia attempted to walk a tight rope between Russia and its Western partners. The Armenian government, despite its overall reformist agenda, has placed the blame on Turkey for the lack of bilateral relations based on cliché arguments and has claimed it has no preconditions. As such, on the issue of Turkey-Armenia relations, the Pashinyan government has so far behaved very similarly to previous Armenian governments.

In his article titled “**Rewriting History And Passing Blame: A Comparative Study Between The Katyń Massacres (1940) And The Armenian Relocation (1915)**”, Armand Sağ makes a comparative case study between the Katyń massacres (1940) in Poland and the Armenian relocation (1915) in the Ottoman Empire. Sağ determines similarities between the way the Soviet Union used the Katyń massacres and militant nationalist Armenians use the events surrounding the Armenian relocation to carry out a nation-building process that covers up their misdeeds and atrocities and pass blame to their designated enemies. In this way, both the Soviet Union and militant nationalist Armenians engaged in a rewriting of history by coming up with “alternative” versions of past events that suited their interests. Sağ indicates that while the Soviet Union collapsed and thus its systemic cover-up of Katyń came to an end, militant nationalist Armenian groups and Armenia continue to distort the facts surrounding the Armenian relocation to carry out their bellicose nation-building process that designates Turks as enemies.

In his article titled “**Keys for a Legal Assessment of Genocide Recognition Demands and Reparation Claims of Armenians**”, Pulat Tacar makes a comprehensive assessment of the legal ramifications of the Armenian genocide claims and the related compensation demands. The author indicates that

genocide claims are based on confusing arguments that use current legal concepts and rules to qualify century-old events as genocide and ignore the legal criteria on how genocide should be determined. Simply put, the genocide claims simply do not hold up to the standards of the 1948 UN Genocide Convention. Tacar indicates that, to remedy this legal weakness, groups who maintain the claims of genocide seek to use alternative methods, such as pointing to non-binding law instruments or draft treaties which, in the end, end up failing to service their goals. Similarly, the author highlights that compensation demands related to the claims of genocide rest on weak legal grounds. Despite the Turkish side having the clear upper hand in the legal aspects of genocide issue, Tacar warns that the Turkish government, academia, and NGOs should make the effort to more effectively explain to third parties why they reject the Armenian genocide claims and associated compensation demands.

In her article titled **“Measures Of The Un Security Council Against International Terrorism And Globally Threatening Armenian Terrorism”**, Ramila Bahlul Dadashova lists several conventions, decisions, and resolutions adopted at the level of the United Nations to draw up a general framework for how the international community approaches terrorism. The author also uses the writings of several authors to give the reader a general understanding of what “terrorism” means. As known, there is no international consensus on the meaning of terrorism, which complicates international efforts to combat it. Using the international and definitional framework of the concept of terrorism, Dadashova argues that Armenia and militant groups associated with Armenia have resorted to actions that can be classified as terrorism. The author indicates that Armenia has so far not been reprimanded by the international community for employing terrorism as a state policy, which has had tragic consequences for Turkish and Azerbaijani Turks and during and aftermath of the Karabakh War between Azerbaijan and Armenia.

Have a nice reading and best regards,

Editor

EDITORIAL / BAŞYAZI

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FACTS AND COMMENTS

(OLAYLAR VE YORUMLAR)

Alev KILIÇ*

Abstract: *This article covers Turkey and Armenia relations as well as the domestic and international developments of Armenia in the period between January and July of 2019. During this period, Nikol Pashinyan officially resumed the post of the prime minister. He appointed his cabinet and reduced the number of ministries. The abolishment of the Ministry of Diaspora was met with some criticism. Former President Robert Kocharian's arrest and trial developed into a power struggle, including ramifications in Nagorno-Karabakh as that conflict moved more to the center of international attention. In foreign relations, a tight rope act with Russia, the EU, the US and, as a novelty, China continued. Relations with Turkey showed no sign of improvement. In fact, the antagonism displayed by Armenia grew sharper.*

Keywords: *Turkey-Armenia Relations, Pashinyan, Kocharian, Nagorno-Karabakh*

Öz: *Bu incelemede, Türkiye-Ermenistan ilişkilerinde ve Ermenistan'ın iç ve dış dinamiklerinde 2019 yılının Ocak-Temmuz ayları arasındaki gelişmeler ele alınmaktadır. Dönem içinde Nikol Paşinyan meşru başbakan olarak görevi devraldı. Sayısını azalttığı bakanlıklarla yeni hükümeti kurdu. Diaspora Bakanlığını kaldırması eleştirilere neden oldu. Eski Cumhurbaşkanı Robert Koçaryan'ın tutuklanması ve yargılanması ciddi*

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sıkıntılara yol açtı ve Dağlık Karabağ yönetimine de uzanan bir kuvvet mücadelesi görüntüsü aldı. Dağlık Karabağ sorunu uluslararası gündemin önemli bir konusu olmaya devam etti. Dış ilişkilerde, her nabza göre şerbet dağıtmaya, Rusya, AB, ABD'nin yanı sıra son olarak Çin'i de kapsayan bir denge oyununu sürdürmeye devam etti. Türkiye ile ilişkilerde bir düzelme görülmedi, aksine Türkiye karşılığında tırmanma gözlemlendi.

Anahtar Kelimeler: Türkiye-Ermenistan İlişkileri, Paşinyan, Koçaryan, Dağlık Karabağ

1. Domestic Developments In Armenia

This period has been marked with efforts of Nikol Pashinyan to consolidate and legitimize his power confirmed by a landslide election victory. During the election campaign, he often raised the issue of the Armenian diaspora, asserting that there is no difference between the Armenians of the diaspora and of Armenia and that it is not correct to make a differentiation between the two entities to the extent that the elections in Armenia could be open to the participation of all. He also stated that he would reduce the number of ministries in his new government, also doing away with the Ministry of Diaspora to be replaced with a more effective institution. However, shortly after the elections, on 19 December, he retracted from his words, taking a position against granting the diaspora Armenians the right to vote in elections in Armenia, saying it could cause problems, citing the example that the number of ballot boxes in Russia would exceed those in Armenia, that it would provide the opportunity for foreign intervention.

On the other hand, he resisted to pressure and harsh criticism of the Diaspora on abolishing the Ministry of Diaspora, saying that relations with diaspora cannot be confined to the competence of one single ministry, that it involves aspects within the responsibility of all ministries. Catholicos Aram I, the spiritual leader of the Armenian Catholicosate of Cilicia (located in Antelias, Lebanon) and a spearhead of militant diaspora activity with a religious cloak, in a letter he sent to Pashinyan on 11 January, urged him to keep the Ministry of Diaspora, saying “our approach to the diaspora should be different because if we have nearly 3 million Armenians in Armenia, the remaining 8 million Armenians live in the diaspora.”¹ Armenian sources appear to be in yet another numbers game with the diaspora population. The Armenian press lately claims the number of diaspora Armenians to be somewhere between 10-12 million, with the following distribution: nearly 2 million in Russia, more than 1 million in the USA, nearly 500,000 in France, 250,000 in Georgia, 140,000 in Lebanon and in smaller numbers dispersed around the world. In this vein, it is also noteworthy to recall that in an official announcement on 18 February by the Armenian Statistics Committee, the population of Armenia as of 1 January 2019 has been a total of 2,965,100, a decline of 7600 from the previous year.²

The arrest and detention of former president Robert Kocharian on 7 December has been the major domestic event that has marred the period. It has taken the form of a blood feud between Pashinyan and Kocharian with no end in sight

1 “Catholicos of the Great House of Cilicia Aram I Urges Pashinyan to Keep Diaspora Ministry,” *Horizon Weekly*, January 10, 2019, <https://horizonweekly.ca/en/catholicos-of-the-great-house-of-cilicia-aram-i-urges-pashinyan-to-keep-diaspora-ministry/>.

2 “Armenia’s Resident Population dwindles to 2,965,100 People,” *Arka News Agency*, February 5, 2019, https://arka.am/en/news/society/armenia_s_resident_population_dwindles_to_2_965_100_people/.

and open to interference from the outside. A TV documentary prepared by two Russian journalists insinuating Pashinyan's responsibility in the street fights after the 2008 elections, resulting with the death of 10, a priority topic in Pashinyan's election campaign for punishing the culprits, was construed in Armenia as an attempt to exonerate Kocharian. On 31 December, with a joint declaration, three major parties in Nagorno-Karabakh called for the release of former president of Armenia, Kocharian, who was one of the leaders of the 1988 separatist uprising in Nagorno-Karabakh as well as the top-level administrator there during the 1992 war with Azerbaijan.

On 31 December, Pashinyan issued a New Year address where he qualified 2018 as a year of reinstatement of people's power, civil dignity, optimism and statehood.³ For 2019, he put the main task as economic revolution and making its results more tangible.

The presidential decree of 14 January officially appointed Pashinyan as the Prime Minister. On 19 January, Prime Minister Pashinyan named 12 ministers of his cabinet. Cabinet members were officially sworn in before the President of Armenia, Armen Sarkissian. The total number of ministries was not yet clear since Pashinyan had previously stated that he would reduce the number. The delay in confirming the final decision on the number of ministries was understood to be stemming from the hesitancy regarding the Ministry of Diaspora. On 8 February, Pashinyan announced that the cabinet would consist of 12 ministries, down from 17 in the previous government, to come into force following the approval of the parliament.⁴ The Ministry of Diaspora would be abolished, to be replaced by a body within the Prime Ministry, to be chaired by an ambassador-at-large in the capacity of a high commissioner, acting on behalf of the prime minister under the guidance of the prime minister. The new cabinet of 2 deputy prime ministers and 12 ministers were finally officially announced on 7 March as follows:⁵

- **Deputy Prime Minister:** Tigran Avinyan
- **Deputy Prime Minister:** Mher Grigoryan
- **Foreign Affairs:** Zohrab Mnatsakanyan
- **Defense:** Davit Tonayan

3 "Congratulatory Address by Acting Prime Minister Nikol Pashinyan on New Year and Christmas Holidays," *The Prime Minister of the Republic of Armenia*, December 12, 2019, <https://www.primeminister.am/en/statements-and-messages/item/2018/12/31/Nikol-Pashinyan-New-Year-2019/>.

4 "Cabinet Completes Discussions over New Composition of Government," *ArmenPress*, February 8, 2019, <https://armenpress.am/eng/news/963577.html>.

5 "Structure," *The Government of the Republic of Armenia*, <http://www.gov.am/en/structure/>.

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- **Transport, Communications, and High Technology Industry:** Hakob Arshakyan

On 8 May, Pashinyan defended his one-year track record at an unprecedented 5.5 hours long press conference.⁶ He presented a list of 100 concrete achievements of his rule, citing among others, 30 million US dollars confiscated from former President Sarkissian's brother that was "plundered" from the state. He also announced the "second stage of the revolution" as the opposition from the previous authorities, particularly the two former presidents of the "Karabakh clan", started growing visibly. Imprisoned former President Kocharian, in an interview to a Russian TV channel, predicted the emergence of a new and powerful opposition force and that he would be involved in it. Former President Sarkissian on the other hand, continued travelling in occupied Azerbaijani territories, holding meetings and giving interviews.

On 20 May, Kocharian and two retired army generals on trial for overthrowing the constitutional order and on corruption charges were released on bail, paid by the Armenian separatist authorities in Azerbaijan's Nagorno-Karabakh region. Infuriated with this ruling, the same day, Pashinyan appealed to the crowds and called for a blockade of all court buildings in the country, preventing entry and exit. He also demanded a mandatory vetting of all judges in Armenia, calling for their resignation. He said that many of them must resign because they are connected to the country's former leadership and not trusted

⁶ "Pashinyan's May 8 News Conference Breaks Previous Records with 5,5 Hour Span," *ArmenPress*, May 8, 2019, <https://armenpress.am/eng/news/974140/>.

by the public.⁷ Indeed, his supporters immediately blocked the entrances to court buildings.

As to be expected, this move gave rise to a number of reactions, both internal as well as external. President Armen Sarkissian sided with Pashinyan, saying the power belonged to the people. The Armenian Catholicos of Etchmiadzin Karekin II, as well as the Catholicos of Cilicia, called for calm. Karekin II issued a message expressing his concern about the situation in Armenia. The Council of Europe Secretary General called on Pashinyan and said that a delegation of experts would be travelling to Yerevan to support reform agenda. As the dust settled, the Justice Minister resigned and on 19 June, Rustam Badasyan, a 28-year-old lawyer was appointed as the new Justice Minister. On June 25, the released former President Kocharian was jailed for the third time. As of the date of this article's submission, he is currently behind the bars again.

2. Nagorno-Karabakh Conflict

The occupation of Nagorno-Karabakh and the adjacent Azerbaijani regions continues to be the Achilles heel of not only Armenia but particularly of Prime Minister Pashinyan. The cease-fire established after the 1992 war has proven to be fragile, resting on the continuing international efforts spearheaded by the Organization for Security and Co-operation in Europe (OSCE) Minsk Group and its three co-chairs. Pashinyan appears to be well-aware of the fact that the roots of his domestic problems and challenges as well as his international standing all bear on this very problem. His vision for a developed Armenia, an Armenia that opens up to the world requires first and foremost the resolution of the Nagorno-Karabakh conflict.

The one-year record of Pashinyan on this problem has been inconclusive, ambiguous, and surreptitious. He has not followed a coherent line. On the one hand, he has played to the nationalistic current by highlighting the recruit of his son in Nagorno-Karabakh for his military duty, while on the other, he has stood behind the statement of his party member during the election campaign that “the success of the people in the street demonstrations during the spring months are more important than the Nagorno-Karabakh war of liberation”, drawing the ire of the Nagorno-Karabakh authorities.

Pashinyan's repeated public statements of “peaceful resolution of Nagorno-Karabakh conflict remains top priority for us”⁸ and frequent visits to Karabakh

7 “Armenia: After ex-President Released, Premier Opens Conflict with Judges and Karabakh Leaders,” *Eurasianet*, May 20, 2019, <https://eurasianet.org/armenia-after-ex-president-released-premier-opens-conflict-with-judges-and-karabakh-leaders>.

8 “Armenia's acting PM: Peaceful Resolution of Nagorno Karabakh Conflict Remains Top Priority for Us,” *Aysor*, December 14, 2019, <https://www.aysor.am/en/news/2018/12/14/pashinyan-twitter/1504147>.

to melt the ice did not succeed. To the contrary, the Karabakh authorities became more outspoken. The last straw was bailing out Kocharian for his release. Pashinyan publicly accused the officials of Nagorno Karabakh of carrying out false propaganda against the Armenian government and himself as the prime minister. The Karabakh authorities immediately rejected the accusations, stating that they were unaware of the existence of anti-government forces which Pashinyan said were plotting conspiracies and treasonous acts.

On 23 January, President of Azerbaijan Ilham Aliyev and Pashinyan met in Davos in the margins of the World Economic Forum,⁹ their third meeting, the first taking place in September 2018 in Tajikistan and the second in Moscow in December, to discuss Nagorno-Karabakh. Although no statement was issued indicating a positive outcome following a 90-minute meeting, the holding of the meeting and continuation of dialogue was assessed to be constructive. The press got hold of the information that Pashinyan talked on the phone with the US National Security Adviser John Bolton before the meeting. Answering questions of the press, Pashinyan said that they discussed bilateral issues and not Nagorno-Karabakh. President Aliyev, who also talked with Bolton on 30 January, said that they took up the Karabakh issue.

The umbrella organization for the extreme right, the militant Dashnaksutyun (the Dashnak party, the Armenian Revolutionary Federation - ARF), held its 33rd world congress in Nagorno-Karabakh on 16 January.¹⁰ At its closing, a statement was issued on 24 January, urging that the negotiations for a solution to the Karabakh conflict must proceed with the complete participation of the separatist Karabakh authorities, also adding that the leadership of Armenia on the world stage must continue to lead the charge as the guarantor of Karabakh's "independence and security" as if there is a recognized, legitimate Armenian authority in Nagorno-Karabakh, a region whose Azerbaijani population has been ethnically cleansed.

Pashinyan sent a congratulatory message to the ARF congress, paid tribute to the party's 129-year history, saying that it has been "heroic" and at times "contradictory and controversial". He also expressed readiness to again cooperate with the ARF of Armenia, which was a coalition partner in government but was ousted by Pashinyan three months before.

The Nagorno-Karabakh conflict has continued to be the major headache for Pashinyan throughout the period under review. He has tried a number of ways

9 "Azerbaijani President, Armenian Premier meet in Davos," *Anadolu Agency*, January 22, 2019, <https://www.aa.com.tr/en/politics/azerbaijani-president-armenian-premier-meet-in-davos/1371882>.

10 Haig Kayserian, "The ARF World Congress: An Opportunity to Self Reflect," *Asbarez*, January 4, 2019, <http://asbarez.com/177058/the-arf-world-congress-an-opportunity-to-self-reflect/?fbclid=IwAR2SCn22-1XyHtj4-FEmyL1NlhX2rMKy0Cem5AavI4Zly4F5Zk7f03XZEg>.

and arguments to extricate himself from responsibility. One in particular is his favorite. He says that he has been elected by the constituency in Armenia, consequently he does not have the authority to represent the people of Nagorno-Karabakh, hence for the sake of the process of negotiations to be approved, the representatives of the state of Nagorno-Karabakh should take part as an equal party in the negotiations. The argument does not hold water. There is no state of Nagorno-Karabakh nor a legitimate authority representing that territory, the former autonomous republic of Azerbaijan whose Azerbaijani population has been forcibly and brutally removed. It has not been recognized by any country as an independent state, including Armenia. It is an illegal entity in terms of international law. Self-proclaimed titles of the authorities such as president, minister, member of parliament are illegitimate and empty. The European Court of Human Rights of the Council of Europe has pronounced unambiguously in its judgement in the case of “Chiragov and others vs. Armenia” that Nagorno-Karabakh is under effective control and responsibility of Armenia. The insistence of Pashinyan to bestow a status to the illegitimate, separatist administration has not yielded any results. The Minsk Group through its three co-chairs have made it very clear that the negotiating format cannot be changed and any attempt to change it would be understood as blocking the process. The European Union (EU) has also delivered the same message through its Commissioner for European Neighborhood Policy and Enlargement. Pashinyan has made a following move, possibly to change the agenda, putting into question and re-interpreting the three principles and six points that was agreed at the Minsk Group.

The intelligence community of the US, in its 2019 Worldwide Threat Assessment report, delivered in January to the Senate Select Committee on Intelligence had the following to say on Nagorno-Karabakh: “Tension between Armenia and Azerbaijan over Nagorno-Karabakh region remains a potential source for a large scale military conflict that might draw in Russia.”¹¹

In such an atmosphere, President Aliyev and Prime Minister Pashinyan met in Vienna on 29 March upon the invitation of the Minsk Group co-chair.¹² Although it was the fourth meeting of the two leaders, it was the first official meeting under the aegis of the Minsk Group co-chair for the resolution process of Nagorno-Karabakh conflict. Despite the lack of a concrete result, again, the mere fact that the meeting took place and the process continued was assessed as a positive development. The two leaders met for the fifth time and briefly talked with each other on 13 May in Brussels as they attended the 10th anniversary of Eastern Partnership initiative of the EU. Pashinyan told reporters

11 “U.S. says Karabakh Conflict may Grow,” *AzerNews*, January 30, 2019, <https://www.azernews.az/karabakh/144772.html>.

12 “First formal Aliyev-Pashinyan Meeting deemed a Success,” *Eurasianet*, March 30, 2019, <https://eurasianet.org/first-formal-aliyev-pashinyan-meeting-deemed-a-success>.

that they briefly spoke at dinner and that it was a general discussion of the current situation around Nagorno-Karabakh.

In the meantime, the foreign affairs ministers of the two countries appeared to do a lot of groundwork with the Minsk Group co-chair. They met on 15 April in Moscow in the presence of the Russian Foreign Minister. A joint statement by the three ministers said the warring sides reaffirmed their intention to strengthen the ceasefire regime around Karabakh and along the Armenian-Azerbaijani borderland to take other confidence building measures.¹³

The two ministers met on 21 June in Washington with US National Security Adviser John Bolton to hold fresh talks on the Nagorno-Karabakh conflict. In a Twitter post, Bolton said that he would encourage continued dialogue between them. The meeting came after an upsurge in skirmishes along the “line of contact” around Karabakh. The tension there had escalated in late May after months of relative calm. Before meeting with Bolton, the Armenian foreign minister held a “preparatory meeting” with the Minsk Group co-chair and representative of the OSCE Chairperson-in-office who were also in Washington for this occasion.¹⁴

3. International Developments Concerning Armenia

Armenia assumed the annually rotating presidency of the Council of the Eurasian Economic Commission, the Eurasian Economic Council, and the Eurasian Economic Commission on 1 January. Pashinyan was in St. Petersburg for a working visit where on 6 December he attended the Council meeting to officially take over the presidency. On this occasion, he reiterated that membership to the Russian-led Eurasian Economic Union (EAEU) was a priority for his government. The Russian-led Collective Security Treaty Organization (CSTO) summit proposed by President of Russia Vladimir Putin, and which was also planned for 6 December, was postponed, as the election of a new Secretary General following the ousting of the indicted Armenian Secretary General who held the post, could not be mutually agreed. Armenia was insistent that another Armenian candidate should fulfill the remaining three-year tenure while the rest favored the next country’s (Belarus) candidate in line of rotation.

13 “Joint Statement by the Foreign Ministers of Azerbaijan, Armenia, and Russia, and the Co-Chairs of the OSCE Minsk Group,” *Organization for Security and Co-operation in Europe*, April 15, 2019, <https://www.osce.org/minsk-group/417281>.

14 “Armenian, Azerbaijani FMs comment on Results of June 20 Meeting in Washington D.C.,” *Armenian Press*, June 21, 2019, <https://armenpress.am/eng/news/979340.html>.

The Armenian Caucus members of the US Congress called on the US Secretary of State on 17 December to upgrade US-Armenian Relations by raising the US-Armenia Joint Economic Task Force (USATF) to a standing permanent dialogue platform.¹⁵

The Russian Foreign Minister Sergei Lavrov said to reporters on 16 December that Russia and Armenia would conclude an agreement that Armenia would not host foreign armed forces in its territory. The only foreign armed forces in Armenia, with nearly 5000 military personnel and two air bases being Russia, this statement led to much speculation and curiosity.¹⁶ Even Pashinyan is reported to have called on Lavrov to clarify the comments. Lavrov informed the press that he was not talking about the Russians. Later, it transpired that there were a number of biological laboratories in Armenia built or renewed by the US with funds from the US Department of Defense (Pentagon) which raised Russia's concern that they could be employed against Russia in biological warfare. Pashinyan also informed the public that he had personally given instructions for Russian experts to inspect these laboratories back in September and that it was out of question to be used against Russia in any manner. On his part, on 19 December, Russian Deputy Foreign Minister Grigory Karasin urged Armenia to resist US interference, saying that in view of radical changes in Armenia, Washington's meddling in that country's internal as well as external affairs was being increasingly vulgar. He called on the Armenian leadership to have the courage to resist the unhidden external blackmail and pressure.

At the UN General Assembly, Armenia, like Russia, voted against the UN resolution on Crimea and the freedom of navigation at Azov Sea which was adopted by a two thirds majority.¹⁷

A historical change of course was announced by the Armenian Apostolic Church on 21 December, appointing the first ever representative to the Vatican. Archbishop Khajag Barsamian was designated as representative of the Armenian Church to the Holy See. It was explained that this change of course was intended to strengthen friendship between the two entities. The reported aim is to establish liaison between the two to smoothen dialogue in both theological and pragmatic issues. This was a clear expression of the Armenian Church reciprocating to Pope's visit to Yerevan in 2015 and his narrative there.

15 "Congressional Armenian Caucus Leaders Urge Secretary of State to Enhance U.S.-Armenia Joint Economic Task Force," *Aravot*, December 19, 2018, <https://www.aravot-en.am/2018/12/19/226859/>.

16 "Lavrov promises no "foreign soldiers" in Armenia. He wasn't talking about Russians," *Eurasianet*, December 18, 2018, <https://eurasianet.org/lavrov-promises-no-foreign-soldiers-in-armenia-he-wasnt-talking-about-russians>.

17 Tatevik Shahunyan, "Armenia voted against 'On the Militarization of the Autonomous Republic of Crimea, Sevastopol, and the Black and Azov Sea Regions' resolution at UN General Assembly," *Arm-Radio*, December 18, 2018, https://arminfo.info/full_news.php?id=37786&lang=3.

Pashinyan went to Moscow on a working visit following his election victory and met with President Putin on 27 December. The Kremlin informed that they discussed key topics of the bilateral agenda. Those must have included a new agreement on the price of Russian natural gas supplied to Armenia, who should be the new Secretary General of the CSTO as well as regional issues including Nagorno-Karabakh. President Putin spoke of a good dynamic in Russia's relationship with Armenia. He stated:

“There is no need to describe our relations. These are truly allied relations filled with substantial content. Russia holds the first place in Armenia's economic cooperation with foreign states. Russia accounts for 25.5 per cent. 2200 Russian enterprises are operating in Armenia. Trade is growing. Last year it went up by almost 30 percent.”

In an interview with a Russian Newspaper, Pashinyan admitted that he is still distrusted by some Russian circles. He said they are wrong to suspect the Armenian “velvet revolution” was orchestrated by Western Powers. He underlined that there would be no fundamental changes in Armenia's traditional foreign policy.

On 15 January, an informal meeting was held between the Prime Ministers of Armenia and Georgia in the village Bolnisi in Georgia. The two decided to hold a Georgian-Armenian business forum in Armenia in May.

Pashinyan went to Moscow again on 25 January on a working visit, this time on the occasion of addressing the Eurasian Economic Commission dedicated to the beginning chairmanship of Armenia in the EAEU.¹⁸ This was his fourth visit to Moscow after the “velvet revolution”, the first in his absolutely legitimate status as Prime Minister -which Putin congratulated in writing on 14 January for the first time. Pashinyan was not scheduled to meet with Putin, instead he held talks with the Russian Prime Minister Dmitry Medvedev. Official press releases were short on specifics. They indicated only that the two focused on economic issues. The Russian government also noted that the meeting took place at the request of the Armenian side.

At a news conference held at the EAEU headquarters, Pashinyan was asked about his past position on EAEU when he criticized Armenia's accession to the organization and even called for its withdrawal from the bloc. His answer was as follows: “The fact is that Armenia is a member of the EAEU and I do not think that U turns are good in international affairs. As you can see, our efforts now are aimed at making the EAEU more effective.”

18 “Talks with Acting Prime Minister of Armenia Nikol Pashinyan,” *President of Russia*, January 27, 2018, <http://en.kremlin.ru/events/president/news/59531>.

The EU and the World Bank announced a grant of 730 million euros to Armenia for transport infrastructure investments.¹⁹ It was noted that the grant and credit was allocated within the framework of Trans-European Transport Network (TEN-T).

EU Commissioner for Enlargement and Neighborhood Policy paid a visit to Armenia on 29 January, announcing additional financial assistance for achievements in democracy and rule of law. Commissioner Johannes Hahn said:

“There is a solid system at the foundation of our entire cooperation. Today we are at the stage of implementation of 300 million Euro worth of projects, with another 100 million worth of projects underway. We are working with the government in order to outline the sectors of future cooperation. We recently signed a package that concerns the development of educational area. It is a 23 million Euro project. We have already had big contribution in education, and we will do it in the future also.”²⁰

Russian Deputy Foreign Minister Karasin met with Armenian Foreign Minister in Yerevan on 29 January. Karasin spoke of Russia’s developing relations with Armenia and a favorable international environment for resolving the Nagorno-Karabakh. Karabakh conflict was high on the agenda. He welcomed the regularity of Aliyev-Pashinyan meetings. The Russian Foreign Affairs Ministry statement said that Karasin and Zohrab Mnatsakanyan discussed a broad range of issues. Special attention was paid to the topics of security and stability in the Transcaucasus region, including the Nagorno-Karabakh settlement.²¹

Pashinyan started an official visit to Germany on 31 January. Germany is Armenia’s number one EU donor and trading partner. He met with the President, Chancellor, and Parliament Speaker. Chancellor Angele Merkel expressed confidence that the EU’s Relations with Armenia will intensify after the recent Armenian parliamentary elections which she described as democratic. She said: “We want to support Armenia. I believe that the European Union has also made this clear through Commissioner Hahn -without us interfering in Armenia’s other foreign policy activities.”²² The Nagorno-

19 “EU, World Bank Pledge Over 730 Million Euros for Armenian Road Upgrades,” *MassisPost*, January 25, 2019, <https://massispost.com/2019/01/eu-world-bank-pledge-over-730-million-euros-for-armenian-road-upgrades/>.

20 “EU Commissioner for Enlargement and Neighborhood Policy Johannes Hahn to visit Armenia,” *ArmenPress*, January 25, 2019, <https://armenpress.am/eng/news/961998.html>.

21 “Mnatsakanyan, Karasin discuss some issues,” *Arminfo*, January 30, 2019, http://arka.am/en/news/politics/mnatsakanyan_karasin_discuss_some_issues_/.

22 “Nikol Pashinyan pays official visit to Germany,” *Public Television of Armenia*, January 31, 2019, <https://news.1tv.am/en/2019/01/31/Nikol-Pashinyan-pays-official-visit-to-Germany/111359>.

Karabakh conflict was also on the agenda of talks. Merkel praised the “courageous steps” taken by Pashinyan and expressed the hope that they will be reciprocated by the other side. She said: “I encouraged the Prime Minister to continue trying to resolve this conflict, but as I said at the end of the day both sides must be ready for a compromise.” At the meeting with the Parliament Speaker Wolfgang Scaeuble, Pashinyan praised the controversial 2016 genocide resolution of the German parliament. Shortly after Pashinyan’s visit, on 18 March, Speaker of the Armenian Parliament paid an official visit to Germany to meet with Scaeuble.

The US Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia said at a reception hosted by the Armenian Embassy that she would visit Yerevan soon to explore the possibility of stepping up military cooperation. She also expressed her government’s appreciation of the Armenian troop deployments in Afghanistan and Kosovo. She added that the 160 or so Armenian soldiers serving there are part of a special Peacekeeping Brigade which has received considerable assistance from US Army Europe and the Kansas National Guard. It was further noted that US instructors have long been training the brigade’s personnel and a newly renovated training center of the brigade, mostly financed by the US, was inaugurated by Armenian and US military officials in October 2017.

Two ethnic Armenians, as stipulated by the constitution of Lebanon, were appointed to the new Lebanese government that was announced on 1 February.

Prime Minister Pashinyan, in an interview with a Swiss TV, shared his views on balancing Armenia’s relations with Russia, the EU, and the North Atlantic Treaty Organization (NATO). Pashinyan stressed a number of points in this regard: a) Ties with Russia are important for Armenia’s economy and security, b) The relations with the EU allow Armenia to reform its political and judicial systems and to allow its society to enhance its competitiveness, c) Concerning NATO, it is important to be cautious not to affect the balance and that Armenia has no plans to join that organization, but still cooperates with countries that are part of it and participates in peace keeping missions in Kosovo and Afghanistan and would soon take part in the peacekeeping mission in Lebanon.

On 8 February, Armenian Defense Minister announced the dispatch of a group of specialists to Syria. 83 medics, demining experts, and other military personnel were sent to Aleppo. The Ministry attributed the deployment to the severe humanitarian situation in Aleppo, have received written request from the Syrian side and the existence of an Armenian community in Syria. Russia’s Defense Minister is reported to have thanked Yerevan for its humanitarian assistance to Syria. Four days later, the Armenian Defense Minister said at a press conference that Armenia would take part in military actions in Syria if

necessary.²³ The US State Department also commented, saying US recognizes the desire of other nations to respond to the humanitarian situation in Syria and shares the concerns about protecting religious minorities in the Middle East; however, it does not support any engagement with Syrian military forces, whether that engagement is to provide assistance to civilians or otherwise.

On 12 February, a committee under the presidency of the Defense Minister of the Greek Administration of Southern Cyprus (GASC) went to Armenia for a three-day official visit. At the end of the visit, the defense ministers of Armenia and GASC signed an agreement on the 2019 bilateral cooperation program.²⁴ Hereby, the GASC Minister made a claim of Turkey's "threats" towards the natural gas exploration in the Eastern Mediterranean, gave information regarding the cooperation between GASC, Greece, Israel, and Egypt, and expressed the possibility of establishing a cooperation between GASC, Greece, and Armenia in the near future.

Armenia's obstruction of the election of the CSTO Secretary General was brought forward once again on 14 February with the statement of the spokesperson of the Belarussian Foreign Affairs Ministry. In place of General Yuri Khachaturov, who had been assigned for three years but was discharged by Pashinyan one and a half year later on 2 November 2018, the Belarussian candidate's turn had come by rotation. Armenia claimed that their candidate had the right to serve for the remaining one-and-a-half-year period and refused to grant its approval, leading to a rift in the CSTO.

In his statement to the Russian press agency on 18 February, Defense Minister Davit Tonoyan indicated that Armenia would purchase 12 warplanes from Russia (Su-30SM) within two years.²⁵

Pashinyan paid a two-day official visit to Iran on 27 February and met with the Iranian religious leader Ali Khamenei and Prime Minister Hassan Rohani.²⁶ The Iranian leaders emphasized the necessity of establishing strong, permanent, and friendly relations, despite the obstruction of the US.

Pashinyan paid an official bilateral visit to Belgium on 5 March, and met with European Council President Donald Tusk, High Representative of the EU for

23 "Armenia Sends Military 'Humanitarian Mission' to Syria," OC Media, February 14, 2019, <https://oc-media.org/armenia-sends-military-humanitarian-mission-to-syria/>.

24 "Defence Ministers of Cyprus and Armenia Sign Bilateral Cooperation Programme," *Gold News*, February 14, 2019, <http://www.goldnews.com.cy/en/energy/defence-ministers-of-cyprus-and-armenia-sign-bilateral-cooperation-programme>.

25 "Russia to Boost Armenian Military, Fighter Jets Approved," *Armenian Weekly*, February 5, 2019, <https://armenianweekly.com/2019/02/05/russia-to-boost-armenian-military-fighter-jets-approved/>.

26 "Ermenistan Başbakanı'nın İran Ziyaretinde Bir İlk Yaşanacak," *Ermeni Haber Ajansı*, February 26, 2019, <https://www.ermenihaber.am/tr/news/2019/02/26/Ermenistan-Nikol-Paşinyan-İran/148860>.

Foreign Affairs Federica Mogherini, and European Commissioner for European Neighborhood Policy and Enlargement Negotiations Hahn in Brussels. In the joint press conference, Tusk spoke highly of the democratic reforms and economic developments in Armenia and emphasized that the EU would continue to support Armenia on this path.²⁷ In his speech at the European Parliament Committee on Foreign Affairs, Pashinyan stated;

“I do not think that there is a contradiction between our relations with the EU and our relations with Russia. It is important to express this persistently: There is no trick against Russia in our relations with the EU and there is no trick against the EU in our relations with Russia.”

The President of Georgia Salome Zurbashvili visited Armenia on 13 March.²⁸ The Georgian President addressing the principle of territorial integrity and Nagorno-Karabakh within the context of the occupied lands during her visit to Azerbaijan in early March was received negatively in Armenia. It is fair to guess that her visit to Armenia was with the aim of obviating this frostiness in bilateral relations. Indeed, the Prime Minister of Georgia Mamuka Bakhtadze, as a continuation of the meeting he had made with Pashinyan in Georgia's Bolnisi city on January, held a private meeting with Pashinyan in a mountain village in the north of Armenia on 24 March.

A US delegation led by Deputy Assistant Secretary of State held the first session of US-Armenia Strategic Dialogue in Yerevan on 6 May. The US promised 16 million US dollars in fresh assistance. He also met with the Armenian Prime Minister. Pashinyan was cited by his press Office as telling him that forging closer ties with the US is of great importance to Armenia.²⁹

Before attending the 10th anniversary of the EU Eastern Partnership initiative on 13 May, Pashinyan paid a working visit to Luxemburg.

Earlier on 8 May, he told at a news conference that he would be travelling to China to attend the international Asian Civilizations Forum on which occasion also a meeting with the President of China Xi Jinping was planned. Chinese President received Pashinyan and his delegation at the Great Hall of the People on 14 May.³⁰ President Xi said China views the ongoing development of

27 “Armenian PM, Tusk Discuss Relations and Nagorno-Karabakh Conflict,” *Radio Free Europe/Radio Liberty*, March 5, 2019, <https://www.rferl.org/a/armenian-pm-tusk-eu-relations-nagorno-karabakh/29804811.html>.

28 “Georgian President Zurbashvili discusses development of cooperation with Armenian Prime Minister,” *Agenda.ge*, March 13, 2019, <http://agenda.ge/en/news/2019/700>.

29 “The first session of the Armenian-American Strategic Dialogue was held in Yerevan,” *Ministry Of Foreign Affairs Of The Republic Of Armenia*, May 7, 2019, <https://www.mfa.am/en/press-releases/2019/05/07/us-armenia-strategic-dialogue/9532>.

30 “China's Xi Sees Closer Ties With Armenia,” *Mirror Spectator*, May 23, 2019, <https://mirrorspectator.com/2019/05/23/chinas-xi-sees-closer-ties-with-armenia/>.

relations with Armenia in various areas as an important aspect of its foreign policy and highlighted the strong cultural and historical bonds. He said they knew the Armenian people very well and they were confident that the tragic events which happened to the Armenian people would not occur in the future. The Chinese leader said his country was ready to take part in the construction of the North-South highway and the implementation of other infrastructure projects. Pashinyan underlined that improving relations with China is top priority for his government.

Armenian President Sarkisyan went to Kazakhstan on a working visit on 18 May and met with the new President of Kazakhstan Kassym-Jomart Tokayev.

Prime Minister Pashinyan received on 28 May the designated new Secretary General of the CSTO. Pashinyan assured Stanislav Zasi of his post.

The Foreign Ministers of Armenia, Greece, and the Greek Administration of Southern Cyprus (GASC) pledged to deepen relations among their countries at a first ever trilateral meeting held in Nicosia on 4 June. Armenian Foreign Minister said the new platform was very important, adding that the three countries set down their next joint moves. He said that Armenia would host a summit for the three countries in the near future. Greek Foreign Minister said that the three countries share historical ties and common positions. He also said that they agreed to cooperate in international organizations on issues such as the recognition of so-called “Armenian Genocide”.³¹

Pashinyan travelled to St. Petersburg on 6 June to participate in the St. Petersburg International Economic Forum.³² He also met with Russian President Putin on the sidelines of the Forum. Putin praised bilateral ties and reminded that Russia is Armenia’s leading trading partner with 26 percent of its foreign trade and 2 billion US dollars in direct investments. Pashinyan described their relations as strategic, informed about the ongoing high growth rate, and expressed the hope to be able to manage to find solutions on some issues so as not to break the good pace of economic growth.

The second session of the Partnership Council between the EU and Armenia was held in Brussels on 13 June. The Council reaffirmed the Comprehensive and Enhanced Partnership Agreement to effectively implement the commitment of Armenia and the EU. The Council underlined the importance of rule of law and respect for human rights, which includes an independent,

31 “Cyprus, Greece and Armenia agree to further expand cooperation in first trilateral meeting of Foreign Ministers,” *In-Cyprus*, June 5, 2019, <https://in-cyprus.com/cyprus-greece-and-armenia-agree-to-further-expand-cooperation-in-first-trilateral-meeting-of-foreign-ministers/>.

32 “Nikol Pashinyan attends plenary session at St. Petersburg International Economic Forum,” *The Prime Minister of the Republic of Armenia*, June 6, 2019, <https://www.primeminister.am/en/foreign-visits/item/2019/06/06/visit-to-saint-petersburg/>.

effective, and accountable justice system. On this occasion, the Armenian Foreign Affairs Minister also had talks with the EU High Representative for Foreign Affairs and Security Policy.

4. Latest Developments in Turkish-Armenian Relations

In the plenary session of the Parliamentary Assembly of the Organization of the Black Sea Economic Cooperation in Yerevan on 27 November, the honorary medals prepared for the participants by Armenia were rejected by the heads of the Azeri, Georgian, and Turkish committees.³³

In a press conference he organized on 3 December in Argentina where he went for the G-20 Summit, President of Turkey Recep Tayyip Erdoğan quickly gave an open and clear reply to a reporter who asked a question regarding the situation of the minorities in Turkey and stated that they were born to a family that was subjected to the “Armenian Genocide”:³⁴

“Turkey cannot be accused of conducting a genocide against the Armenians. Let us please leave the arguments of the genocide claims to the historians and look at the result that the historians will conclude. There is no genocide in our history. I am saying this very confidently, we are open to any discussion.”

President Erdoğan also stated the following:

“Do you know how many Armenians live in my country? A hundred thousand. About 30,000 of them are citizens, the rest are undocumented. They are people who have fled Armenia to live in Turkey.”

Before President Erdoğan arrived in Argentina, on 26 November, an Armenian group carried out a demonstration in front of the Turkish Embassy. It was not surprising that among the organizers of the demonstration were the Archbishop of the Armenian Apostolic Church in Argentina and Chile and representatives of the Armenian Institutions of the Republic of Argentina (Instituciones Armenias de la República Argentina - IARA).

Shortly after the election victory, in a press conference he had organized on 10 December, Prime Minister Pashinyan repeated once again that he was ready

33 “Gürcistan, Azerbaycan, Türkiye ve Ukrayna, Erivan’da Verilen Madalyayı Reddetti,” *Sputnik Türkiye*, November 30, 2019, <https://tr.sputniknews.com/asya/201811301036396856-gurcistan-azerbaycan-turkiye-ukrayna-erivan-madalya-reddetti/>.

34 “Erdoğan G20 Zirvesi Sonrası Açıklamalarda Bulundu,” *Sözcü*, December 1, 2018, <https://www.sozcu.com.tr/2018/gundem/son-dakika-erdogan-g20-zirvesi-sonrasi-aciklamalarda-bulundu-2771532/>.

to establish relations with Turkey without preconditions. Considering that what Pashinyan is referring to by precondition is the Nagorno-Karabakh issue, that he does not perceive the incoherent and hostile Armenian discourse and claims as precondition, and that he refuses to even propose abandoning this discourse; it is clear that this cliché statement about preconditions fails to provide any prospects for better bilateral relations.

Three Americans of Armenian descent living in the US state of California applied to court once again and filed a lawsuit claiming that their families had been subjected to genocide during the Ottoman period and that their property was seized by force. Their lawsuit began to be heard in December. It is expected that the court's decision made in 2013 regarding the same case will be renewed. The 2013 decision indicated that whether Turkey can be accused of genocide or not is not a case that the court can decide and that the authority to decide on such matters belongs to the executive power (president) according to the US Political Question Doctrine.

At the end of December, the New Year Message of the engagement director of Armenian National Committee of America (ANCA), which is associated with the Dashnak party, published in the press once again had the main theme of animosity towards Turkey. The message called for Christian solidarity and claimed that Turkey attempted to annihilate the Christian population during First World War including the Armenians, Greeks, Assyrians, Chaldeans, Syrians, and Maronites.

In the Armenian press, it was indicated that member of the Grand National Assembly of Turkey Garo Paylan visited the Armenian Catholicos of Cilicia Aram I in his post in Lebanon on 26 January. During the meeting lasting over an hour, they reportedly talked about the Turkish-Armenian relations, the “genocide” subject, the subject of the return of the Sis Patriarchate of Kozan's property, the situation of the Armenian community in Turkey, and other current subjects. Afterwards, Paylan visited the Martyrs cemetery to pay respects to the victims of the “Armenian Genocide”.³⁵

An unidentified person hung a Turkish flag on the door of an Armenian school in Los Angeles on the night of 2 February. This was attempted to be attributed to the Turks by the Armenian groups in the city. The law enforcement authorities who investigated the incident could not find evidence on the perpetrator and nobody claimed responsibility for the incident. Thus, the possibility of the incident being a provocation attempt aiming to agitate the Armenian community against Turkey and the Turks gained prominence. The

35 “Paylan Haygazyan Üniversitesi'nde Konuştu,” *Agos*, January 30, 2019, <http://www.agos.com.tr/tr/yazi/21967/paylan-haygazyan-universitesinde-konustu>.

statement made by the Ministry of Foreign Affairs of Turkey reflected this understanding.

The French President Emmanuel Macron, during a meeting organized by the representatives of the Armenian community in France on 5 February, fulfilled the promise he had made during the election campaign and stated that “in the following weeks, France will declare 24 April as the commemoration day of the Armenian genocide”.³⁶ Official responses to this statement from Turkey were made shortly after, notably by the President, the Presidency spokesperson, and the Ministry of Foreign Affairs spokesperson. On the other hand, Pashinian received Macron’s statement positively and Aram I expressed his gratitude to Macron.

On 13 February, during a session of the Armenian parliament on the government’s five year program,³⁷ Pashinian stated that his government does not perceive the genocide subject only in the framework of the Turkey-Armenia relations, that they approach the recognition and condemnation of the “Armenian genocide” within the context of global security and the prevention of future genocides, and that maximum effort must be shown towards this matter.

The Armenian Minister of Healthcare Arsen Torosyan, who joined the World Health Organization’s conference in Istanbul, visited the Armenian Patriarchate of Istanbul on 15 February on this opportunity and met with the Turkish Armenian community’s representatives. Torosyan, who stated that he was proud to be the first minister of the new Armenian government to visit Turkey, expressed that he placed great importance on the Armenian community living in Turkey, that the diaspora cannot continue its existence without the homeland, and that Armenia is developing by means of the support from Armenians living inside and outside of the country.

The Turkish Minister of Foreign Affairs Mevlüt Çavuşoğlu hosted a committee consisting of the Armenian Archbishop Khajag Barsamian, Director of Ecumenical Relations of the Catholicosate of Etchmiadzin Shahe Ananyan, and the Armenian General Vicar (Acting Patriarch) of Istanbul Aram Ateshian.³⁸ Archbishop Barsamian, who was born in 1951 Arapkir/Malatya, after serving for 28 years as a reverend of the highest level for the Armenian

36 “Fransa Cumhurbaşkanı Macron 24 Nisan’ı ‘Ermeni Soykırımını Anma Günü’ İlan Etti,” *EuroNews*, February 6, 2019, <https://tr.euronews.com/2019/02/06/fransa-cumhurbaşkanı-emmanuel-macron-24-nisani-ermeni-soykırımı-anma-günü-olarak-ilan-etti>.

37 “Armenia adopts plan for “economic revolution,” *Eurasianet*, February 15, 2019, <https://eurasianet.org/armenia-adopts-plan-for-economic-revolution>.

38 “Barsamyan ve Ateşyan Ankara’da Çavuşoğlu ile görüştü,” *Agos*, February 4, 2019, <http://www.agos.com.tr/tr/yazi/21987/barsamyan-ve-atesyan-ankara-da-cavusoglu-ile-gorustu>.

Apostolic Church in the US, unexpectedly and voluntarily retired last year. This decision of his led to comments that he was preparing to become a patriarch candidate for Armenian Patriarchate of Istanbul. However, Barsamian denied these comments. A few months later, during last September, the Armenian Catholicosate of Etchmiadzin appointed Barsamian to the Vatican as the representative of the Armenian Apostolic Church. The appointing of a representative to the Papacy has been a first in the Armenian church history since 451, when the Byzantium separated from the Orthodox church and became non-aligned. This is in conformity with the Pope's idea of world Christian ecumenism. Regarding his meeting with the Turkish Foreign Affairs Minister, Barsamian stated; "The Minister greeted us warmly. I clearly explained that my intention was not foreign intervention, but to express our concerns and understand how we can help. The esteemed Minister stated that he understands the issues regarding the Patriarch election and that the government is following this subject."

With the Armenian Patriarchate of Istanbul Mesrob II's passing away³⁹ on 8 March, the patriarch election was brought to the agenda. When Mesrob II, who was elected as the Patriarch in 1998, became unable to serve, Archbishop Ateshian carried out this duty since 2008 as the General Vicar. During the latest period, this position of Ateshian became a subject of criticism, especially by circles that wanted to influence the patriarch election by means of foreign intervention. When Mesrob II was still alive but unable to serve, there were foreign-sourced attempts (supported by some domestic groups in Turkey) at holding elections for a new patriarch.

The passing away of the Armenian Patriarchate of Istanbul's 84th Patriarch Mesrob II was met with sorrow. Notably by the Turkish President, many messages of condolences were sent by officials to the Patriarchate. It was foreseen that the election process for the position of Mesrob II, who was buried with a stately ceremony on 17 March, would be initiated after a 40-day grief period. In 4 July, Bishop Sahak Mashalyan, at that time the Head of the Clerical Council of the Patriarchate, was elected as the Trustee (*Locum Tenens*) of the Patriarchate and thus was tasked with conducting the upcoming patriarch election.

During the following days, Mashalyan is expected to gather the heads of the Armenian foundations and establish an 'Enterprising Committee' to conduct the patriarch election process, determine the patriarch election date by consulting the Ministry of Internal Affairs, form the balloting committees and conduct the delegate elections. As the Turkish Armenians Patriarch election is

39 "Türkiye Ermenileri Patriği Mutafyan hayatını kaybetti," *Sputnik Türkiye*, March 8, 2019, <https://tr.sputniknews.com/turkiye/201903081038092175-turkiye-ermenileri-patrigi-mesrob-mutafyan-hayatini-kaybetti/>.

a two-level election, the process will be completed with the delegates electing the patriarch.

In the interview Pashinian gave to the EURACTIV agency on 5 March in Brussels, where he made an official visit, he answered questions regarding the relations with Turkey. In response to the question on whether there are positive signs on the improving of the relations with Turkey, Pashinian stated:

“Unfortunately, I have to say no. There are no developments that indicate a change in Turkey’s previous stance. If Turkey considers itself a democratic country, it must take kindly to the victory of democracy in its neighboring country and initiate dialogue. Within this context, Turkey’s continuing anti-Armenian stance disturbs us. We assert our determination to ameliorate our relations without preconditions. If Ankara will be persistent with its stance that diplomatic relations with Armenia can only be established after the resolution of the Nagorno-Karabakh issue, should we bring the Cyprus issue and the human rights issues in Turkey to our agenda? Will these types of policies bring stability to our region?”

As it is seen, Pashinian conveniently ignores Armenia’s own insistence on preconditions and the main subjects that have made the Zurich Protocols obsolete and which prevented the dialogue and rapprochement between Turkey and Armenia. As such, in his own way, Pashinian attributes the obstacles in bilateral relations to Turkey.

24 April was again the flash point of Turkish-Armenian relations. The well-versed, improvised, updated, and Turcophobic Armenian narrative was voiced at every level and occasion, including President Sarkisyan and Prime Minister Pashinyan. Even a member of the Turkish parliament joined the chorus. US President Donald Trump also issued a statement on Armenian Remembrance Day which drew criticism from both the Turks as well as the Armenians. French President Macron was an obvious target for his audacious remarks.

The Turkish President Erdoğan sent a letter to General Vicar of the Armenian Patriarchate of Istanbul Aram Ateshian in which he expressed his condolences to the descendants of Armenians killed during the First World War in the Ottoman Empire:

“[...] My distinguished Armenian citizens, I salute you wholeheartedly. [...] This year as well, I remember with respect the Ottoman Armenians who lost their lives under harsh conditions of the First World War and offer my sincere condolences to their grandchildren. [...] I wish Allah’s mercy upon other Ottoman citizens, as well, who died because of

epidemics and migrations as well as acts of sedition spearheaded by gangs and armed groups that escalated as a result of the weakening of the state authority. The Armenian community provided great contributions to our country by bringing up esteemed citizens both during the Ottoman Empire and throughout the history of the Republic nearing its centennial. Our Armenian citizens, as equal and free citizens, have important roles in every sphere of the social, political and commercial life of our country today, as they did in the past. It is our common objective for these two peoples, who have shared their grief and joy throughout the history, to heal the wounds of the past and further strengthen their ties. We will continue to stand with you for the alleviation of your sufferings and the resolution of your problems. I especially would like to underline that the peace, security and happiness of the Armenian community in our country are of very special importance to us. We will stand against those who allow even a single Armenian citizen of ours to be alienated or excluded. [...] I believe that the way to building a shared future is to be one and united. In this regard, I kindly request you to avoid helping those who seek to create hatred, grudge and hostility by distorting our common history. [...]"⁴⁰

Provocative narratives, acts and policy against Turkey appear to be on the rise in the Pashinyan administration. It is probable that it stems from domestic difficulties and challenges that Pashinyan cannot afford to look appeasing at every front. One such act was repatriating the remains of a petty murderer who assassinated two Turkish diplomats in Los Angeles with a hero's welcome and ceremony at a military cemetery.⁴¹

On 24 June Armenian propaganda centers jointly highlighted an initiative undertaken in Geneva UN premises, in the hope of bringing Turkey under suspicion.⁴² However, such efforts failed to achieve their aim.

40 "The letter President Recep Tayyip Erdoğan sent to General Vicar of the Armenian Patriarch of Turkey, Reverend Aram Ateşyan," *Presidency of the Republic of Turkey*, April 24, 2019, <https://www.tccb.gov.tr/en/speeches-statements/558/105101/the-letter-president-recep-tayyip-erdogan-sent-to-general-vicar-of-the-armenian-patriarch-of-turkey-reverend-aram-atesyan->.

41 Melek Sina Baydur, "Open Letter To The President Of Armenia," *Center for Eurasian Studies (AVİM)*, Blog No: 2019/33, May 27, 2019, <https://avim.org.tr/Blog/OPEN-LETTER-TO-THE-PRESIDENT-OF-ARMENIA-27-05-2019>.

42 "Frisolous Letter To Turkey Sent By UN Rapporteurs," *Center for Eurasian Studies (AVİM)*, Daily Bulletin, June 26, 2019, <https://avim.org.tr/en/Bulten/FRIVOLOUS-LETTER-TO-TURKEY-SENT-BY-UN-RAPPORTEURS>.

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REWRITING HISTORY AND PASSING BLAME: A COMPARATIVE STUDY BETWEEN THE KATYŃ MASSACRES (1940) AND THE ARMENIAN RELOCATION (1915)

(TARİHİN TEKRAR YAZILMASI VE SUÇUN BAŞKASININ ÜZERİNE
ATILMASI: KATYŃ KATLIAMLARI (1940) VE ERMENİ SEVK VE
İSKÂNI (1915) ARASINDA KARŞILAŞTIRMALI BİR ÇALIŞMA)

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Abstract: *During the nineteenth and twentieth century, different nations initiated their own nation-building process. In early processes of nation-building, the focus was on glorifying existing events to create unity. There are; however, cases in which the focus shifted from glorifying past events into neglecting or even denying events. This was especially the case for newly established nations who witnessed major conflict during the two world wars in which multiple war crimes were committed. In order to not “taint” their independence with such mishaps, the committed atrocities were subsequently downplayed, neglected, or even (in the most extreme situation) subjected to complete rewriting of history. Few nations have resorted to engaging in complete rewriting of history. Nations that rose from the ashes of the two world wars often had a big part in the violence since they had to fight their way to their independence. Hence, they resorted to complete rewriting of history. Since newly established nations preferred to start of their newly reached independence with the thought of being “a noble people” not capable of vile actions against other nations, they exerted much effort into narrating in an alternative manner what happened during the previous period. Nations justified their struggle for independence by*

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pointing out that they were victims of other nations that were oppressing them. Two clear examples for this were the Armenians during their war effort against the Ottoman Empire during World War One (1914-1918); and the Soviet Russians in Poland during Second World War (1939-1945). In both events, the perpetrators tried (and still try) to shift their role in the events from committing atrocities, to victims and heroes. A comparative look into the two case studies will be a good start for a preliminary research in which an outline and model will be determined for nations who have resorted to rewriting history in the process of nation building.

Keywords: *Soviet Union, Poland, World War Two, Ottoman Empire, World War One*

Öz: *On dokuzuncu ve yirminci yüzyılda farklı uluslar, kendi ulus inşası süreçlerine başladılar. Bu ulus oluşturma süreci başlangıçta, ulusun kendi tarihsel olaylarını yücelterek birlik oluşturmayı çalışmıştır. Bir başka bir yöntemse, bazı olayları yüceltirken diğer tarihsel olayları ihmal veya inkâr etmek olmuştur. Özellikle o dönem bağımsızlığına kavuşan uluslar, çok sayıda savaş suçunun işlendiği iki dünya savaşı sırasında büyük çatışmalar yaşamışlardır. Bu “lekeli dönemden” kendilerine temiz ve ak bir sayfayla başlangıç yapmak için, özellikle bağımsızlıklarına ulaştıkları dönemlerde yaşadıkları tarihsel olayları yüceltmek veya tam tersi ihmal etmek istemişlerdir. Dolayısıyla bu aşamada ihmal etmek, ardından inkâr etmek ve son olarak da tarihi yeniden yazmak gibi üç yöntem uygulanmıştır. Tarihi tamamen yeniden yazma yönetime başvuran uluslar az sayıda olmuştur. Fakat özellikle iki dünya savaşının ardından yeni kurulan uluslar, bağımsızlıklarını sürdürmek için savaşmak zorunda kaldıkları ve şiddetli bir dönem yaşadıkları için, bu yöntemlere başvurmuşlardır. Bu dönem, ortaya koydukları “asil ulus” tablosuna uymadığı için, o dönem yaşananları bilinçli olarak farklı bir şekilde anlatmak için büyük uğraş göstermişlerdir. Bu uğraş içerisinde, bağlı oldukları devletten kopup kendi ulus-devletlerini kurabilmek için uyguladıkları savaş ve şiddet doğrultusunda bunu farklı anlatmayı daha uygun gösterip bu savaşın “adaletli bir mücadele” olduğunu göstermeye çalışmışlardır. Böylece suç işleyen taraftan mağdur olmuş veya kahraman taraf olmayı çalışmışlardır. Bunun iki en belirgin örneği ise, Birinci Dünya Savaşı sırasında (1914-1918) Osmanlı Devleti’ne karşı ayaklanan Ermeniler ile 1939-1945 arasında gerçekleşen İkinci Dünya Savaşı sırasında, Polonya’da katliam uygulayan Sovyet Ruslarıdır. Her iki olayda da vahşet saçan taraf kendi ulusunu mağdur ve kahraman göstermeye çalışmıştır. Bu iki konuyu araştırıp karşılaştırarak, ulus inşası çabası sürecinde tarihi yeniden yazma yöntemi uygulanan uluslar hakkında taslak ve aşamaları belirlemeye çalışan bir ön araştırma için uygun bir başlangıç yapılması amaçlanmaktadır.*

Anahtar Kelimeleri: *Sovyetler Birliği, Lehistan, İkinci Dünya Savaşı, Osmanlı Devleti, Birinci Dünya Savaşı*

1) Introduction

Rewriting history to encourage the buildup of an image of the ‘ideal state’ is not something unique. Almost every nation does this, either by promoting some elements of the ideal image by cultural praise for poets (Shakespeare) or philosophy such as in Germany. The latter was and is still widely known as German idealism. Who does not know about the founding fathers of philosophy: Immanuel Kant (1724–1804), Karl Marx (1818–1883), Friedrich Nietzsche (1844–1900) and many more? The emphasis on the Deutsche Schule of scientists has brought a sense of identification in Germany that the nation has a long tradition of raising solid scientists like Einstein, Freud, and other intellectuals like Mozart and Goethe; even though Mozart and Freud were in fact (German-speaking) Austrians and not Germans. It has also led to the theory that the reason Germany never had colonies up until the very late nineteenth century while other European countries started theirs in the fifteenth or sixteenth century; some 300-400 years prior, was this highly developed intellectual culture that deemed all peoples to be equal.

This is in fact a great example of how nations emphasize traits that are, in their eyes, great factors of success. It goes hand-in-hand with neglecting other elements of the nation, mostly events in history that occurred. This process of rewriting history is not new and also occurs in every nation. However, two examples of how the core of the national image is centered around an event that is, not only actively rewritten, but also proved a decisive moment in history in which the “blame” for the event is passed on to another nation involved, are much harder to come by.

One fairly known example is the relocation of the Armenians within the Ottoman Empire during 1915, after which the first Prime Minister of Republic of Armenia, Hovhannes Katchaznoui (1868-1938) expressed great self-criticism by stating during the Armenian Revolutionary Federation (Dashnaktsutyun) convention held in Bucharest in April 1923 that it was in fact the ARF (which habitually resorted to what is today deemed as “terrorism”) that caused massive Turkish losses after which the Ottoman government decided to relocate the Armenians. His speech was titled “Dashnaktsutyun Has Nothing More to Do” as Katchaznoui called for Armenians to accept that what happened as their own fault and abolish the Dashnaktsutyun.¹ However, Katchaznoui was soon imprisoned by Soviet forces, where he died and from the 1960s, Armenians used the events of 1915 to carve out their nationalist ideology as “victims of Ottoman-Turkish violence”. In this predominant nationalistic view, the Armenians did nothing

1 Hovhannes Katchaznoui, Mehmet Perinçek (ed.) & Lale Akalın (tr.), *Dashnagtzoutiun Has Nothing To Do Anymore: Report Submitted to the 1923 Party Convention* (Istanbul: Kaynak Yayınları, 2007).

wrong and the violent Armenian uprisings and rebellions against the Ottoman Empire have been heavily downplayed or even completely neglected. In this pro-Armenian stance, the victimized role of Armenians is a unique example of how history is rewritten to pass blame to another group or nation and use it as the core of nation-building.

The opposite is seen in the Katyń massacres (in short; Katyń) of 1940 in which more than 22,000 Polish intellectuals were systematically killed by Soviet secret agents in a direct order from the leader of the Soviet Union Joseph Stalin in an effort to incapacitate Polish efforts for reorganization against Soviet rule. These agents arrested Polish academics and rounded up Polish prisoners of war (from Nazi-Germany among others) and under the pretext of being sent off to Russian camps or being brought back to their families, were instead killed in remote forests by specially trained executioners from NKVD, the notorious secret intelligence agency of the Soviet Union (later renamed KGB). By killing the (military) elite, Poles would not be able to form any strong resistance, uprisings, or rebellions against the Soviet occupying forces. It was also seen as a revenge by Stalin for the long and costly resistance of Polish forces against the Soviets, like during the Polish-Soviet War (1919-1921) which was won by Poland and which delayed Soviet expansion into Poland, Western Ukraine, and Western Belarus for almost two decades.² However, after the massacres of Katyń, the Soviet Union deployed an intensive campaign to derail the events by passing blame to Nazi-Germany. In this situation, it was not possible to shift the blame to Poland since Poland had become a part of the Soviet bloc after World War Two. The other option was to shift blame to Nazi-Germany since that nation was defeated during the same war and it was subsequently blamed for many other war crimes after which it was divided and abolished. During the twentieth century, it became the core of Soviet-Polish unity as the Soviets were portraying themselves as the saviors of Poland after the atrocities committed against Poles by Nazi-Germany. Although the Soviet Union confirmed some responsibility for Katyń in 1990, just before the collapse of the Soviet Union, it fanatically denied it being a war crime or even having a genocidal trait whatsoever. After the fall of the Soviet Union, its heir Russia continued the denialist policies but Katyń shifted to be the core of the new Polish awakening of its own national identity which it continues to be until today.³

The main comparison between the Armenian Relocation (1915) and the Katyń Massacres (1940) derives from the denialist policy of respectively the instigators themselves: Armenian Revolutionaries, primarily organized as

2 Gerhard Weinberg, *A World at Arms: A Global History of World War II* (Cambridge: Cambridge University Press, 2005), 107.

3 George Sanford, *Katyn and the Soviet Massacre of 1940: Truth, Justice and Memory* (Oxford: Routledge, 2005), 44.

Rewriting History and Passing Blame: A Comparative Study Between the Katyń Massacres (1940) and the Armenian Relocation (1915)

Dashnaktsutyun (but also as Hunchakian, Ramgavar, Armenakan, and some smaller local semi-independent cells), and Soviet leadership. Both made use of many tools (such as rewriting history, forging evidence, falsifying documents, deceiving eye-witnesses by state-organized mass-propaganda and indoctrination, and much more) to create a new ‘history’ in which the main instigators were seen as “victims” or even “heroes” instead of perpetrators.⁴ It also became an important part of the national identity for Armenians on one hand, and Soviet-Polish unity on the other hand. The latter has since been partly opened with the collapse of the Soviet Union while the first is still an ongoing process of Armenian nation-building with no end in sight.

The main question of this study centers around the process of nation-building in nations where important aspects of its decisive history is rewritten by the perpetrators themselves. This paper focuses especially on the war crimes during World War One (1914-1918) and World War Two (1939-1945). This article argues that after major traumatic events some nations coped with their own actions by denying it entirely and rewriting history in order to “cover it up” by means of historiography.

2) Rewriting History As A Tool To Create A National Identity

To create a national identity, nations have made use of many tools. These tools can make use of many elements, such as television, radio, poetry, theater, education, music, sports, and historiography (for example, through the use of textbooks). These are just some of the examples that can be used as tools in order to ensure the process of creating a national identity in a certain nation. This has been the topic of many scientific researches ever since the mid-nineteenth century. The process of nation-building, and by which tools this is accomplished, is best described in Karl W. Deutsch’s *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality* (1966), as well as Rupert Emerson’s *From Empire to Nation* (1960). Taking into effect the historical efforts, one can study Carl J. Friedrich’s *Man and His Government* (1963) and James Dobbins’ *Europe’s Role in Nation-Building: From the Balkans to the Congo* (2008). A more general overview of literature on the correlation between how history is perceived and nationalism can be seen in Louis Snyder’s *The Meaning of Nationalism* (1954); Carlton H. Hayes’ *Nationalism: A Religion* (1960); and Hans Kohn’s *Nationalism: Its Meaning and History* (1955). However, it is in Eugen Lemberg’s *Der Nationalismus* (1964) that the focus is shifted to the various instruments of creating a national identity. An overview on the instruments of creating a national identity are

4 Geoffrey Roberts, *Stalin’s Wars: from World War to Cold War, 1939–1953* (London: Yale University Press, 2006), 171.

offered in the collections edited by Karel W. Deutch and William J. Foltz (2010), *Nation Building in Comparative Contexts*; John H. Kautsky (1962), *Political Change in Underdeveloped Countries: Nationalism and Communism*; and Daniel Lerner (1958), *The Passing of Traditional Society*.

When looking at relatively new nations (who established their independence in the twentieth century), Seymour Martin Lipset's *The First New Nation* (1963) is useful as he compares the uses of instruments in order to create a national identity in the specific case of the United States of America, while Sujit Choudhry's *Bills of Rights as Instruments of Nation-Building in Multinational States: The Canadian Charter and Quebec Nationalism* (2007) focuses on the situation in Canada. Other analytical works on specific case studies the various instruments they use for creating a national identity can be found in David M. Potter's *People of Plenty* (1954); Hans Kohn's *American Nationalism: An Interpretative Essay* (1957a); *Nationalism and Liberty: The Swiss Example* (1956); and *The Mind of Germany: The Education of a Nation* (1960). Slowly moving into the nineteenth century, *Prophets and Peoples: Studies in Nineteenth Century Nationalism* (1957b) by Hans Kohn, and Armand Sağ's *Nation-Building and Historiography in Modern Turkey* (2015) are centered on processes of nation-building in which history is either emphasized, neglected, ignored, downplayed, or rewritten in general to suit the image of the ideal nation'.⁵ While Sağ focuses on the use of history textbooks, Anthony D. Smith (1991) takes into account the agencies of popular socialization, notably the public system of education in his *National Identity*.⁶

One can see more tools in the process of creating a national identity, for example in Sung Jae Park's *Physical Education and Sport as an Instrument of Nation Building in the Republic of Korea* (1974) in which the title speaks for itself; or Paz D.T. Nkomo's *The Military and Nation Building: A Comparative Study of the Nigerian and the South African Military as Instruments of National Integration* (1999). Although all of the before-mentioned tools are involved in the process of creating a national identity, they emphasize existing traits (like historical events) or use new elements (like sport). The uniqueness of rewriting history to create something new is different in that it uses existing traits to create something completely new from it in order to replace the first with the latter. Yet, these efforts to unite people of a certain land into one nation is not considered peculiar.⁷

It is not called "peculiar" by Smith as every state in the world at one point struggled with this process of nation-building in order to create one "nation".

5 Armand Sağ, *Nation-Building And Historiography In Modern Turkey* (Utrecht: U2pi BV, 2015).

6 Anthony D. Smith, *National Identity* (London: Penguin Book, 1991), 21.

7 Smith, *National Identity*.

Rewriting History and Passing Blame: A Comparative Study Between the Katyń Massacres (1940) and the Armenian Relocation (1915)

While this did not always mean that the boundaries of the nation also needed to be expanded as in the nineteenth century, the smaller German states formed one nation, or *Kulturnation*, to speak in the terms of Friedrich Meinecke,⁸ without actually becoming one unified state.⁹ It was then widely believed that the concept of “nation” was interchangeable with that of “race,” because it was accepted that a nation was carved out by descent.¹⁰ In order to forge a new national identity, it became important to either adjust or emphasize certain myths, traditions, cultural trademarks, linguistic commonality, and even celebrate a suitable version of history.¹¹ This process of “inventing” history by emphasizing or downgrading certain aspects in history, is an important tool of the newly established nation-state.¹² Most states focused on earlier times in order to depict an ancient “golden age”.¹³ In this defining process, selecting or neglecting parts of the national history in order to create a nation in which people felt united and part of the same community, is crucial.¹⁴ However, denying or even altering history is the most extreme form of this tool, such as is the case with the Armenian Relocation (1915) and the Katyń Massacres (1940).

Although the process of nation-building aims to create a community in which people feel that they are part of the same unit, there is the need for a national identity to identify with. One shares this sense of belonging to one state, or to one nation, with a group of people, regardless of one’s citizenship status.¹⁵ National identity comes from elements (either past or present) that include national symbols, language, national colors, history, national consciousness, blood ties, culture, music, cuisine, radio, and television, among many others.¹⁶

8 Friedrich Meinecke, *Weltbürgertum und Nationalstaat: Studien zur Genesis des deutschen Nationalstaates* (Munich, 1922).

9 Constantin Iordachi, “The Ottoman Empire: Syncretic Nationalism and Citizenship in the Balkans,” in *What Is a Nation? Europe 1789-1914*, Timothy Baycroft & Mark Hewitson (eds.) (Oxford: Oxford University Press, 2006), 120-151.

10 Adrian Collins & Arthur de Gobineau, *The Inequality of Human Races* (Charleston, 1855/2010); Mark Hewitson, “Conclusion: Nationalism and the Nineteenth Century,” in *What Is a Nation? Europe 1789-1914*, Timothy Baycroft & Mark Hewitson (eds.) (Oxford: Oxford University Press, 2006), 312-355.

11 Anthony D. Smith, *Ethno-Symbolism and Nationalism: A Cultural Approach* (New York: Routledge, 2009); Eric Hobsbawm & Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1983); Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, 2nd edition (London: Verso, 1983/1991); Eric Hobsbawm, *Nations and Nationalism Since 1780: Programme, Myth, Reality* (Cambridge: Cambridge University Press, 1990).

12 Nicholas J. Higham, *King Arthur, Myth-Making and History* (London: Routledge, 2002).

13 Patrick J. Geary, *The Myth of Nations: The Medieval Origins of Europe* (Princeton: Princeton University Press, 2003); Arnold Toynbee, *A Study of History* (Oxford, 1939).

14 Ernst Cassirer, *The Myth Of The State*, 4th Edition (London: Yale University Press, 2009).

15 Thomas Hylland Eriksen, *Ethnicity and Nationalism: Anthropological Perspectives* (London: Pluto Press, 1993).

16 Arthur de Gobineau, *Essai sur l'inégalité des races humaines* (Paris, 1853-1855/1999); Louis Snyder, *The Meaning of Nationalism* (New Brunswick/Canada, 1954); Fredrik Barth, *Ethnic Groups and Boundaries* (Boston, 1969).

The identity of most citizens of a nation tends to originate in the promotion of the concept of “national identity” within that state or nation.¹⁷ The sense of belonging to the nation, as experienced by the inhabitants themselves, becomes essential to (especially) newly formed states.¹⁸ In the process of molding a national identity, a certain construction of the past becomes eminent.¹⁹ When these elements are not entirely present, like with a common history between Armenians, one is forced to either find other common elements (like religion or language) or construct an elaborate fabricated version of it in which this is portrayed as such. However, when there is even no basic element to emphasize or celebrate, history is forged. This is especially the case with dictatorial states where the leadership fears that the violent past will make people feel animosity against the state for the pain they have suffered.

The construction of the fabricated past in a nation is directed and maintained by its political elite. Through political socialization, the task of shaping a common public with a mass culture can be pursued by government agencies.²⁰ The best example of this undertaking is found in forced versions of history that are, specifically, meant for both the outside world (outside of the own nation) as well as one’s own population. By portraying oneself as either the victim (as with Armenians), or the saviors (as the Russians) against the outside world, the image of the nation itself as either “the victim” or “the savior” becomes part of the ‘ideal image’. This image is spread globally, and is supported by a fabricated, deceiving state-organized rewritten version of history meant to be mass-propaganda for the outside world and indoctrination for its own people in order to create or maintain unity and reinforce the national identity.

3) The Case Of Armenian Victimization

The events of 1915 are still a large source for political, legal, and historical debate focusing on the definitions of what happened. Pro-Armenian sources state that it was a systematically organized genocide by the Ottoman Empire that continued up until the creation of the Republic of Turkey, making it a vital part of its own process of nation-building. Although the events took place in 1915, its socio-political origins date back to the mid-nineteenth century. It was at this time that the first claims were put forth by Armenian nationalists in an effort to strengthen their arguments that all Armenians should unite against a common foe; without considering whether or not it was a realistic view.

17 Carlton Hayes, *The Historical Evolution of Modern Nationalism* (New York, 1931).

18 Ziya Gökalp, *Türkçülüğün Esasları* (İstanbul, 1923/2001) ; Mahir Ünlü & Yusuf Çotuksöken, *Türkçülüğün Esasları (Günümüz Türkçesiyle)* (İstanbul, 2001).

19 Umut Özkırımlı, *Theories of Nationalism: A critical introduction*, 2nd Revised and Extended Edition (Basingstoke: Palgrave Macmillan, 2010).

20 Smith, *National Identity*; Gabriel Almond & Lucian Pye, *Comparative Political Culture* (Princeton, 1965).

3.1) A Short Historic Overview

The first political entity that brought Armenians and Turks into the same political unit was the Seljuk Empire after the Seljuks entered Anatolia in 1071. The Armenians subsequently joined the Seljuks against the Byzantines since the latter were prosecuting the Armenians due to their different Christian sect. After the eleventh century, the Turkish-Armenian collaboration stayed intensive and continued up until the collapse of the Seljuk Empire and the rise of the Ottoman Empire in the thirteenth century. Although the two were different entities, the core was dominated by Turkish-speaking rulers and warriors that incorporated Armenians into its bureaucracy and culture. Even when the Turks became Islamized, the relations with the Christian Armenians stayed at a very good level.²¹

While the Armenians were enabled to carve out their own semi-independent states under Seljuk leadership, the Ottomans gave autonomous rights to the Armenians. This made the Armenians one of the most loyal subjects of the Ottoman Empire, which was especially evident during the siege of Constantinople (present-day İstanbul) in 1453 when the Armenians demonstrated themselves to be an important ally of the Ottoman forces. After the conquest, the Ottoman Sultan Fatih Sultan Mehmet (II) rewarded the Armenians with their own Church and Patriarch in Istanbul in 1461, and the exclusive title of “Sadık Millet” which was not given to any other subjects of the Ottoman Empire (1299-1922); including Turks. Literally, it meant “The Loyal People”, and included a tax exemption on trade products for the Armenians.²² Lastly, the Armenians were mostly exempted from military draft and were granted many of the trade-related jobs within the Ottoman Empire (as well as trade-representative jobs as civil-servants abroad). Especially the tax exemption in combination with the monopoly on trade, brought the Armenian population considerable wealth during the Ottoman period of 1453-1774.²³

Somewhere during the reign of the Ottoman Sultan Murad IV (1623-1640), who was famous for adding Revan (present-day Armenian capital of Yerevan) to the Ottoman Empire, the tax exemption for the Armenians changed. Especially in the seventeenth and eighteenth century, the Ottomans were confronted with heavy financial decline after the Battle of Vienna in 1683, which the Ottomans lost. The financial difficulties made the Ottomans overturn

21 Armand Sağ, “Categorizing Historiography: Turkish-Armenian Relations Throughout History,” *Review of Armenian Studies*, no. 26 (2012): 127-172.

22 Almila Gökçe Özcan, “XVI. Yüzyılın İkinci Yarısında Osmanlı Devleti’nde Vergi Muafiyeti: Derbendçilik,” *Akademik Bakış* 11, no. 22 (Summer, 2018): 305-322.

23 Armand Sağ, “The perfect ethnocide: A review of Bas Kromhout’s ‘De perfecte genocide’,” *Review of Armenian Studies*, no. 31 (2015): 243-292.

any tax exempts for the Armenians after some 230 years. Unhappy with this turn of events, the Armenians in Zeytun (in the present-day province of Kahramanmaraş) refused to pay taxes from 1774 onwards. When the Ottoman governor traveled to Zeytun to try to negotiate with the Armenians, he was subsequently killed despite being unarmed and unescorted by Ottoman soldiers. It caused the Ottomans to send the army to Zeytun and after heavy fighting, the Armenian revolt of Zeytun was eventually quelled in 1780 after some seven months of heavy fighting. The Armenians, being numerous after being mostly exempted from military service, had used their wealth for the acquisition of considerable military weaponry; allowing them to put up stiff resistance against the army of the declining Ottoman Empire.

Although Zeytun did quell the Armenian resistance for the time being, it was followed by another 30 rebellions of which the Second Revolt of Zeytun (1887) proved to be the starting point for a massive attack on Ottoman targets by armed Armenian groups with militant ideologies. During the 1870s, the Armenians pressured the Ottomans for more autonomy, especially with the rise of nationalist sentiments in Europe. When the Ottoman Empire declined, multiple armed groups were quickly founded of which Armenakan (1885), Hunchakian (1887), Dashnaksutyun (1890), and Ramgavar (1921) are the most known. Especially Armenakan, Hunacakian, and Dashnaksutyun are seen as the three traditional Armenian organizations that were responsible for the bloodiest confrontations. Amongst them all, Dashnaksutyun is described as “the most bloodthirsty”. Between 1910 and 1922 alone, Dashnaksutyun was solely responsible for the killing of more than 523,000 Ottoman citizens (mostly Muslims, either Turkish or Kurdish but also fellow-Armenians that Dashnaksutyun deemed “Pro-Ottoman”).²⁴ In 1905, Dashnaksutyun instigated the so-called “Armenian-Tatar massacres” (as the names “Tatars”, “Turks”, and “Azerbaijanis” were used interchangeable in those years) which lasted until 1907 and claimed hundreds (or even thousands) of lives; mostly from Turkish-speaking Azerbaijani’s.²⁵ According to Armenian sources, 158 Azerbaijani villages were destroyed, although it is expected that the real number is much higher; going over two hundred.²⁶ Going into modern times, from 1968 onwards, such militant ideology morphed into blatant terrorism; Armenian organizations such as ASALA and JCAG instigated an assassination campaign against Turkish ambassadors and diplomats.

The aim of these organizations was to cause animosity between Armenians and the non-Armenian Muslim majority of Turks and Kurds within the Ottoman

24 Armand Sağ, “De Eerste Wereldoorlog: Armeense Opstanden,” *ArmandSag.com*, 2009, accessed June 25, 2019, <http://www.armandsag.nl/artikelen/De%20Eerste%20Wereldoorlog%20-%20Armeense%20Opstanden.html>

25 Armand Sağ, “Armand Sağ vanuit Armenië: Vol spanning op het vliegtuig,” *AIP*, May 26, 2014.

26 Tadeusz Swietochowski, *Russian Azerbaijan (1905-1920): The Shaping Of A National Identity In A Muslim Community* (Cambridge: Cambridge University Press, 1985).

Empire by carrying out attacks on the latter. This in turn would cause the Ottoman forces to engage into battle against the militant Armenians, who would hide behind human shields and let the Ottoman unwittingly cause great losses amongst Armenians. Subsequently, the Armenians would ask for humanitarian aid and an intervention by the major European powers (like France and Russia) who would defeat the Ottomans and carve out an Anatolian state for Armenians. In the last phase, Armenian insurgents would cleanse Anatolia of everything non-Armenian; especially the local inhabitants.²⁷

When looking at the totality of Armenian militant organizations (either guerrilla or terrorist) in the period of 1774 until 1994, the Turkish victim count is estimated to be at least one million and up to two million. This is excluding the almost one million displaced Azerbaijani Turks during the Nagorno-Karabakh War (also known as the Armenian-Azerbaijani War) of 1988-1994. In the most explosive year, 1915, Armenian rebels even managed to gain control of the major Ottoman city of Van and declare it an independent Anatolian-Armenian state. To change the demographic status of the city (only 37% of Van was Armenian), mass-killings were conducted in which the Muslim Turkish and Kurdish majority of the Ottoman citizens were decimated. In 1915 alone, some 111,200 Ottoman citizens died on the hands of Armenian rebels. In the same year, the Ottoman Empire decided to relocate its Armenian community from Eastern Anatolia to mostly the Syrian province of Deir ez-Zor (which was a province of the Ottoman Empire at that time and known as a fertile and relatively peaceful region near the banks of the river Euphrates, far from the battle fields). This relocation has been raised as the decisive moment in Armenian history.

Although this is all very well documented, even the aim of Armenian nationalist, the history is intentionally distorted by Armenian historiography to fit into the Armenian process of nation-building to conduct a national identity in which the ideal image of the nation is portrayed as the only true one.

3.2) Armenian Nation-Building

After the French Revolution of 1789, nationalism became the dominant ideology in Europe and many nations were deeply influenced by it. It was not very different within the Ottoman Empire, which was up until then portrayed as one undivided state with a dominant common culture but comprised also many other ethnicities in its so-called *millet* (or “national community”)-system. The Ottoman Empire was inhabited by Turks, Armenians, Zazas, Arabs, Greeks, Jews, Laz, Kirmanci (and other Kurdish tribes), and many more ethnic

²⁷ Louise Nalbandian, *The Armenian Revolutionary Movement: The Development of Armenian Political Parties Through the Nineteenth Century* (California/USA, 1963).

or religious groups.²⁸ Since Armenian Ottomans were the main trade representatives of the Ottoman Empire abroad, they were among the first to come in contact with this concept of nationalism. By the eighteenth and nineteenth century, most of the ethnic *millet*-minorities of the Ottoman Empire had somehow formed their own concept of a national identity because the *millet*-system actually preserved a serious form of autonomy for all religious ethnicities ever since the early period of the Ottoman Empire. Except the Turks, most inhabitants of the Ottoman Empire (especially the Armenians) had refused the notion that “their” culture was part of a “common” culture in the Ottoman Empire.²⁹

When these ethnic minorities of the Ottoman Empire, had come into contact with the newly spreading ideology of nationalism, they quickly developed their own views on it. The nationalists strongly opposed the Ottoman Empire and felt more connected to their own cultural or religious group. Therefore, it was not uncommon that an ethnic Greek living in the Ottoman coast of Anatolia during the 1910s regarded himself part of the Greek nation, dismissing any other view on his identity; especially that he was part of an Ottoman cultural identity.³⁰ Arguably the most fanatic anti-Ottoman sentiments belonged to the Armenian *millet*, who tried to engage the Ottoman forces in a very violent way to create its own independent nation-state of homogenous Armenia in the very heart of the Ottoman Empire: Anatolia.³¹

Although the Armenians failed in their efforts to create a new state in Anatolia, at least not for long, these actions did lay the basic fundament for the Armenian process of nation-building in which the Armenian national identity was carved out. In this process (from 1887 onwards), the sentiments of Armenians towards Turks changed, which was something that was further instigated by the leaders of the First Republic of Armenia of 1918-1920.³² By completely neglecting the pre-1915 events in which militant Armenian organizations in essence behaved like guerrilla-terror squads, Armenia conceived a new fierce Armenian nationalism with a nation that “all non-Armenians, in particular Turks, were archenemies of the Armenians”. This made it possible for Armenian leaders to

28 Ekmeleddin İhsanoğlu, *History of the Ottoman State, Society & Civilisation*, Volume I (Istanbul, 2001), 63-131.

29 Şerafettin Turan, *Türk Devrim Tarihi: 2. Kitap - Ulusal Direnişten Türkiye Cumhuriyeti'ne*, 3. Basım (Ankara: Bilgi Yayınevi, 1992/2009), 78-126.

30 Constantin Iordachi, “The Making of Citizenship in the post-Ottoman Balkans: State Building, Foreign Models, and Legal-Political Transfers,” in *Ottomans into Europeans: State and Institution-Building in South Eastern Europe*, Wim van Meurs & Alina Mungiu-Pippidi (eds.) (London: Hurst, 2010), 179-220.

31 Şerafettin Turan, *Türk Devrim Tarihi: 3. Kitap (Birinci Bölüm) - Yeni Türkiye'nin Oluşumu (1923-1938)*, 2. Basım (Ankara: Bilgi Yayınevi, 1995/2005).

32 Şerafettin Turan, *Türk Devrim Tarihi: 1. Kitap - İmparatorluğun Çöküşünden Ulusal Direnişe*, 3. Basım (Ankara: Bilgi Yayınevi, 1991/2008), 22-36.

Rewriting History and Passing Blame: A Comparative Study Between the Katyń Massacres (1940) and the Armenian Relocation (1915)

shift blame of the Armenian disaster, ignore the factuality of the plan to sacrifice Armenian lives in return for European intervention, and focus solely on the relocation of 1915. This victimized role made it possible for Armenians to unite against “their common enemy” although there was, in reality, no enemy and a chain of events were triggered out by militant people amongst Armenians themselves to elicit a foreign reaction.

This new fierce nationalism did not only result in a massive tragedy in Anatolia during 1915, but also in the new Armenian Republic declaring war on all of their new neighbors: Georgia (1918), Azerbaijan (1918-1920), Kars Republic (1918-1919), and even the newly forming Republic of Turkey (1920). It was only with the Soviet occupation of Armenia that the Armenian quest for violent expansion could be quelled. The Soviet period lasted for some seventy years until 1991.

In the 1960s, the events between 1885 until 1921 were subsequently used as the base for Armenian cultural identity as other options were not available. Armenians were divided between Armenian-Orthodox, Protestant, Catholic, and even Russian-Orthodox Churches, and also the difference in West-Armenian and East-Armenian made it difficult to form a linguistic unity. Adding the different history of Armenians in the Ottoman Empire (who were much wealthier), and those in Iran and Russia, it soon became evident that Armenians lacked the necessary common traits.

The only trait became the strongly anti-Turkish sentiments which were (and still are) fueled by the Armenian government throughout the Soviet period (1921-1991). Even when Turkey recognized the Republic of Armenia as an independent state when the Armenians declared themselves sovereign from the Soviet Union in 1991, making Turkey one of the first states to recognize the Armenian Republic, this was ignored by Armenia. Turkey’s friendly gesture of goodwill was seen as a contradiction with the Armenian doctrine passed down by the Armenian government in which Armenians were to see Turkey as their “archenemy” instead of a “friendly neighboring nation-state”.³³

This process started in the period up to 1915, cultivating in the Armenian revolts in the Ottoman Empire and other wars with neighboring states, but was shortly thwarted by Katchaznoui’s speech in 1923 and the Soviet invasion of Armenia in 1921. However, somewhere in the 1950s and 1960s, this early Armenian nationalism took a new turn for revival and focused on one common enemy (and for the sake of focus, used interchangeable names for Turks, Tatars,

33 Durmuş Yalçın, Yaşar Akbıyık, Dursun Ali Akbulut, Mustafa Balcıoğlu, Nuri Köstüklü, Süslü, N., Refik Turan, Cezmi Eraslan & Mehmet Akif Tural, *Türkiye Cumhuriyeti Tarihi I* (Ankara: Atatürk Araştırma Merkezi, 2014), 416-431.

and Azerbaijanis) through a process of rewriting history and passing blame to ensure the victim-role for itself.

This was a complicated process that was backed by governmental institutions and could only succeed with their backing. One can still see it today, like in Armenia's national museum, called "History Museum of Armenia", that was established in 1920 and is located on the Republic Square of the Armenian capital city of Yerevan. The Armenian state fully finances the whole museum and even has the ownership of the entire historical collection as well as the building the museum is located in. Almost immediately after entering the museum, one can see a picture of atrocities committed against Armenians with the text: "After Armenians peacefully asked for more rights, the Turks responded with the only way they know: massacring and killing everyone."³⁴ This is based on this author's own observation during his field work in Armenia between 6 and 16 August 2014. This field work was conducted during a study visit, which was part of projects of the European Union, and financed by the European Commission.³⁵

3.3) The Enforced Armenian Identity

The Armenian identity is an enforced national identity with an image of the ideal nation. In this specific case, it is an ideal nation that deserves to expand in each and every direction (Georgia, Turkey, Azerbaijan), but is deprived of this through deliberate actions from mostly the Turks (of both Azerbaijan and Turkey). To promote this victimized role of Armenians, the state implemented a strict policy of both rewriting history, as well as passing blame to the Turks in order for Armenia to ensure the victim-role for itself. This process has been difficult to complete but was helped by the secluded and closed character of the Soviet Union of which Soviet Armenia was a part of between 1921 and 1991. As we will see with Katyń, it was not an unusual process for the Soviet Union to completely rewrite history in order to be able to pass blame to others. This made Soviet authorities hesitant to do anything when Armenia basically implemented the same tools as the Soviets in Moscow in order to accomplish the process of nation-building in Armenia.

Using history as a tool has never been a unique case as all countries have tried to use history to their advantage by either emphasizing or neglecting certain parts of its history. For example, the Netherlands has tried to neglect or downplay its operations in Indonesia in both 1947 and 1948 (which some scholars characterize as genocidal) by mentioning next to nothing in its history

34 History Museum of Armenia, Հայաստանի պատմության թանգարան (Yerevan, 2014).

35 The research was part of a project of the European Union, financed by the European Union, and is known with the following ID-certificate: PG6A-7X9J-73CH-WG6Q.

Rewriting History and Passing Blame: A Comparative Study Between the Katyń Massacres (1940) and the Armenian Relocation (1915)

text books, but does not replace it entirely with another version. Some elements are enhanced and portrayed as being more important than they really were; like for instance the Indonesian shootings between pro-Indonesian and pro-Dutch armed forces. Although this event is seriously neglected in Dutch historiography, it is not erased entirely from history and one can still find sources and documents concerning it. So, how different is the case of Armenia?

In order to rewrite history, Armenia has followed some crucial steps in which it is no longer a question of which events are celebrated or neglected, but a more radical approach. Armenia has chosen to rewrite history altogether by leaving out pre-1915 events and actively erasing it from history. In order to accomplish this, some historians have even suffered a questionable fate in the 1970s after Armenian nationalism revived in the 1950s and 1960s, entering its climax in the 1970s and 1980s. Armenian-American historian Louise Nalbandian (1926 - 1974), who researched Armenian revolutionary organizations, suddenly died in a car crash after her Ph.D.-thesis was published and showed that Armenians carried out attacks on Ottomans in order to provoke a counter-attack in which many Armenians would die at the hands of the Ottomans; sparking an military intervention by the major European superpowers to help the Armenians. American historian Stanford J. Shaw suffered a similar fate in 1977 when his university office was bombed, and his house was hit by a Molotov-cocktail. This continued up until contemporary times, as investigating prosecutor Samuel A. Weems died in 2003 at age 67 when he was about to finish his second book about the Armenians.

These examples show the seriousness of the Armenians when it came to erasing and rewriting their history. Other tools to accomplish this were the fabricated documents of which the “Hitler-quote”, “Andonian telegrams”, Toynbee’s Blue Book, Lepsius reports, “Ambassador Morgenthau’s Story”, Atatürk-remarks, and many altered pictures (including the infamous Atatürk picture with skulls) deserve special attention as the most known forgeries and falsifications of Armenian historiography.³⁶ It is impressive to see how this combined effort has resulted in the distorted image of Armenians as the absolute victims.³⁷ Seeing the strong governmental support this process requires and receives, it can be argued that it is necessary to have a strong authoritarian or even dictatorial regime to accomplish this process of nation-building with the abovementioned tools of rewriting history with forgeries and falsifications.

36 This list was originally compiled by; Holdwater, “Armenian Forgeries and Falsifications,” *Tall Armenian Tale*, accessed June 25, 2019, <http://www.tallarmeniantale.com/forgeries.htm>. Although this website cannot be considered an academic source, it nevertheless serves as a good source for directing the reader to sources that shed light on the facts and disputes concerning the events of 1915 and the Armenian relocation.

37 Gwynne Dyer, “Turkish ‘Falsifiers’ and Armenian ‘Deceivers’: Historiography and the Armenian Massacres,” *Middle Eastern Studies* 12, no. 1 (1976): 99-107.

4) The Soviet Passing Of Blame

Just like the Armenian case, Katyń was a mass-killing of citizens by an organized group that later tried to distort the events by systematically rewriting history with forgeries and falsifications. Again, in this case, the rewriting of history goes hand-in-hand with a strong authoritarian and dictatorial regime that involves all aspects of life. The importance for covering up what happened in Katyń belays in the justification of occupying Poland by the Soviets after World War Two. This would have been impossible if the war crimes committed by the Soviet governmental forces would have been in the open. It would also sparked serious animosity by the Polish population against the Soviets for losing its intelligentsia at the hands of the Russian-Soviet forces. The denialist policy of the Soviet Union concerning Katyń became the corner stone of the Polish-Soviet national identity, which only could be shed in 1990 when the Soviet Union was about to be dissolved in 1991 leaving the truth about Katyń behind.

4.1) The Background Of Katyń

Poland and Russia always had a troubled history with sixteen wars in approximately three hundred and seventy years (1577-1946) of which Russian forces won every war between 1654 and 1918. In 1918-1919, the Russians lost their Soviet offensive westward against an army led by Poland that was comprised of forces from Ukraine, Belarus, Estonia, Latvia, Lithuania, Romania, and even some anti-Soviet Russians with German and British support. This quickly escalated into the Soviet-Polish War of 1919-1921 in which Russian forces managed to occupy large parts of Ukraine, incorporating it into the Ukrainian Soviet Socialist Republic. The Russian-Soviet forces even advanced to the Polish capital of Warsaw and Poland was on the verge of total defeat when a sudden counterattack left the Russians with a major and decisive defeat. Not able to recover from this defeat, the Russians asked for a peace treaty and left all westward expansions ambitions behind them. The plan to start a global proletarian revolution, leading the world in a new communist system instead of a capitalist world system, was thwarted by the Poles and left the Russian-Soviet high command with a deep resentment for the Poles.

The first defeat in almost four hundred years against the Poles made the new Soviet leader, Joseph Stalin (1924-1953) who led the Soviet Union after the death of Vladimir Lenin in 1924, revengeful against the Poles. The first opportunity to take revenge on the Poles for stopping the Soviet goal of expanding westward, eventually cultivating in a worldwide global revolution of the proletarians for the implementation of communism, served itself in the late 1930s when Germany proposed to divide Poland between a German and

Rewriting History and Passing Blame: A Comparative Study Between the Katyn Massacres (1940) and the Armenian Relocation (1915)

Russian occupation force. In 1939, the foreign minister of Germany approached Moscow with a public Treaty of Non-Aggression between Germany and the Soviet Union which also contained a secret protocol that divided Poland in a German and Russian region while also determining the borders of both countries' sphere of influence. The treaty was eventually signed on 23 August 1939 in Moscow by the Ministers of Foreign Affairs of Germany, Joachim von Ribbentrop, and the Soviet Union, Vyacheslav Molotov, giving the Treaty its name: the Molotov-Ribbentrop Pact.

This subsequently paved the way for the Nazi-German forces to attack and invade Poland on 1 September 1939, after which Soviet forces also invaded Poland on 17 September 1939. Unable to wage war on two fronts, Poland was soon caught by surprise and defeated. Soviet forces occupied all of Eastern Poland, while German forces annexed Western Poland; as was decided upon in the secret supplementary protocol of the Molotov-Ribbentrop Pact. Some mere days after the initial attack, the Soviet Interior Ministry (abbreviated as NKVD) started rounding up and arresting all Polish prisoners of war on 19 September 1939, even before the war was over. Almost immediately after the Polish defeat on 6 October 1939, Polish soldiers who were born in Western Poland were soon transferred to Germany as Western Poland now belonged to it. In return, the Germans returned the soldiers that were captured in the West but originated from the Eastern parts of Poland. The Soviets also released non-Poles like Ukrainians and Belarusians that were forced to fight for Poland, before also releasing the soldiers without any rank. These conscripts were deemed as uneducated, but almost all officers were kept in prison, leaving the Polish conscripts crippled without any officers. Eventually, NKVD chief Lavrentiy Beria also arrested a great portion of the Polish intelligentsia, including who he believed were intelligence agents, gendarmes, landowners, saboteurs, factory owners, lawyers, officials, and priests.³⁸

On 19 November 1939, a NKVD report revealed that it had approximately 40,000 Polish prisoners of which the majority were army officers or police officers.³⁹ In December 1939, this was further expanded by more arrests and the assignment of roughly 25,000 low-ranking or non-commissioned officers to forced labor. After months of interrogations from October 1939 to February 1940, it was selected who would live and who would die. Those that were seen to stubborn to adopt a "pro-Soviet" attitude, were promptly proclaimed to be an enemy of the Soviet Union.⁴⁰ After some discussion about that to do with

38 "Decision To Commence Investigation Into Katyn Massacre," Institute of National Remembrance, November 30, 2004, accessed June 25, 2019, http://ipn.gov.pl/en/news/77_dok.html

39 Anna M. Cienciala & Wojciech Materski, *Katyn: A Crime Without Punishment* (London: Yale University Press, 2007), 81.

40 Benjamin B. Fischer, "The Katyn Controversy: Stalin's Killing Field," *Studies in Intelligence* (1999-2000): 1-26.

those that were deemed “enemies”, Beria proposed to Stalin on 5 March 1940 that they should all be killed.⁴¹ Almost immediately, Stalin and five other high-ranking officials from the Soviet Politburo (which was the highest policy-making government authority of the Soviet Union), signed an order to execute roughly 25,700 Polish prisoners. The speed of which Stalin answered to this quite shocking proposal of Beria paves the way for conclusions that this was the plan all along.

Overall, during 1939 between a quarter⁴² and half a million⁴³ Poles were held at prisoner camps.⁴⁴ Most were freed as they were simple conscripts, or escaped, and eventually some 125,000 prisoners were left of which approximately 43,000 Poles were transferred to Germany since they originated from West-Poland. Another 42,400 soldiers were released since they were (mostly) of Ukrainian and Belarusian descent and their regions within Poland were now annexed by the Soviet Union.⁴⁵ By October 1939, some 39,600 Poles prisoners were left which rose to well over 40,000 prisoners after a new wave of arrests in November and December 1939 as stated prior. Although some 25,000 of those were assigned to hard labor, this did not mean they were excluded from the massacres. Most of these prisoners were killed nonetheless.

After the order by Stalin, some 21,857 Poles were massacred according to Soviet documents.⁴⁶ However, Polish archives show that 21,768 Polish prisoners were killed.⁴⁷ Why the others were pardoned has not become clear, although escape or last-minute cooperation with the Soviets seem plausible explanations. Most of the survivors were sent to gulags where the vast majority died nonetheless.⁴⁸ In total, between 150,000 and 500,000 Poles died under Soviet rule during World War Two, of which the massacres at Katyń, Kharkiv, and Mednoye (commonly known as “Katyn”) become symbolic.⁴⁹ During the massacres, not only military personnel were killed; such as 1 admiral, 16 generals, 24 colonels, 79 lieutenant colonels, 258 majors, 654 captains, 17 naval captains, 85 privates, 7 chaplains, and 3420 other officers, but also 200

41 Archie Brown, *The Rise and Fall of Communism* (New York, 2009), 140.

42 Alfred J. Rieber, *Forced Migration In Central And Eastern Europe, 1939-1950* (London: Frank Cass Publishers, 2000), 31-33.

43 Mikhail Meltiukhov, *Отчёт Украинского и Белорусского фронтов Красной Армии* (Moscow, 2010).

44 Małgorzata Kuźniar-Plota, “Decision To Commence Investigation Into Katyn Massacre,” Departmental Commission for the Prosecution of Crimes against the Polish Nation, 2004.

45 Sanford, *Katyn and the Soviet Massacre of 1940...*, 44.

46 Bożena Łojek, Muzeum Katyńskie w Warszawie, *Agencja Wydawn* (CB Andrzej Zasiieczny, 2000), 174.

47 Kuźniar-Plota, “Decision to commence investigation into Katyn Massacre.”

48 Cezary Gmyz, “1.8 mln polskich ofiar Stalina,” *Rzeczpospolita*, 2009, accessed July 23, 2019, <https://www.rp.pl/artykul/365363-1-8-mln-polskich-ofiar-Stalina.html>

49 Tomasz Szarota & Wojciech Materski, *Polska 1939-1945. Straty osobowe i ofiary represji pod dwiema okupacjami* (Warsaw, 2009), 314-315.

pilots, 43 government representatives and/or officials, 1 prince of royalty, and many more civilians. Known cases of the latter include 3 major landowners, 131 refugees, 20 university professors, 300 physicians, several hundred lawyers, engineers, and teachers as well as well over a 100 writers and journalists at the execution place of Katyń alone. The executions decimated the Polish intelligentsia and exterminated almost half of the Polish army officer corps.⁵⁰ The other half was either in German hands, fled abroad, went into hiding, or complied with Soviet authorities.

Seeing the low count of survivors, some prisoner camps had a death toll of 99%, it was relatively easy for the Soviet authorities to keep the murders hidden from both Poland and the Soviet population. To give an idea on how extended the killings were, one can look at the heavy debates that took place throughout April and May 1940, when the executions were carried out with debates on how to kill that many people without putting too much of a strain on the executioners. The first complaints concerned that the NKVD had difficulty killing 390 Poles in one day, as it proved to be too many although the executioners worked from evening until early morning. The amount was subsequently put to 250 Poles to death in one night. The following example concerns the murder weapon, which was firstly Soviet-made revolvers but were soon replaced by Moscow-issued, German-made pistols since the former had too much recoil making the wrists of the executioners painful after the first shots and kills. Most NKVD-executioners soon preferred the German-made pistols instead of the Soviet-made revolvers.

However, just one year later, Nazi-Germany cancelled the Molotov-Ribbentrop Pact and attacked Soviet Russia on 22 June 1941 during the military operation Barbarossa which was being prepared ever since 4 July 1940. The rapid and quick German advances, along with the Soviet unpreparedness, enabled the Germans to acquire information about the mass killings of the Poles. Although the Germans cared little for the fate of the Poles, as Germans were also implementing death camps in their half of Poland, they did see the chance to use the massacres to form an anti-Soviet public opinion while gaining support for their own military actions against them.

4.2) Creation Of A New “History”

The Nazi-German discovery of the massacres of Poles, first discovered in the region of Katyń and therefore bearing the name “the massacres of Katyń”, sparked a discussion that goes on today. Nazi-Germany chose to investigate the mass graves to understand what had happened before making it public in

50 Fischer, “The Katyn Controversy...”

April 1943 that it had found mass graves in the Katyn Forest.⁵¹ The discussions started when the Nazi-Germans tried to use their discovery of Soviet atrocities to show the world how evil and vile communism in general, and the Soviet Union in specific was. Almost immediately, the Soviets tried to shift blame to Nazi-Germany itself, by using the smallest details; for instance, the use of German-made pistols to kill the prisoners. According to Moscow, this proved that it was in fact the Germans that killed the Poles and not the Soviets. Since the Soviets eventually emerged victorious from Operation Barbarossa and re-occupied the lands that it lost to Nazi-Germany, their version of history became the most dominant one. When World War Two came to an end, and all of Nazi-Germany's war crimes and atrocities (including the Holocaust) became public, it became much easier for the Soviet Russians to pass blame to the Nazis.

Although some minor accounts emerged after World War Two by survivors, like military officer Józef Czapski and economic historian Stanisław Swianiewicz, it was mostly kept silent by the Soviet forces which now also ruled the whole of Poland and Eastern Germany. Along with the Western policy of appeasing Soviet Russia and not escalating the Cold War, the Soviets managed to erase Katyn from history up until the 1970s and 1980s as it became a public taboo to talk about it in Poland as well as the rest of the Soviet Union. It was also actively rewritten to fit into the official historiography of the Soviet Union, in which the Slavic brotherhood of all Soviet republics was propagated and promoted. The mass execution of Poles by Russians did not fit in this picture of brotherhood.

Immediately after the end of the Second World War, the Soviet Russians tortured Nazi-German prisoners of war to convince them to take the blame for Katyn, which at least one Nazi-officer, Arno Düre, did. In return, he was not sentenced to death (unlike six other Nazi-German Wehrmacht-officers) by a military Soviet court in Leningrad between 28 December 1945 and 4 January 1946.⁵² It was also put forth by the chief prosecutor of the Soviet Union at the Nuremberg Trials (20 November 1945 until 1 October 1946), Roman Andreyevich Rudenko, but dismissed as there was no direct evidence linking the trailed suspects to the events. The village with the same name Katyn had encountered a violent ethnic cleansing in 1943 by Ukrainian Nazi-soldiers that had defected from the Soviet army to the Nazi's and was burned to the ground after almost all inhabitants were killed. In 1969, this Belarusian village became the designated site for a grand war memorial commemorating not only the victims of Katyn by the hands of the Ukrainian Nazi-soldiers, but also all other

51 David Engel, *Facing A Holocaust: The Polish Government-In-Exile And The Jews, 1943-1945* (North Carolina/USA, 1993), 71.

52 Inessa Sergeevna Yazhborovskaja, Anatoly Yablokov & Valentina S. Parsadanova, *Катынский синдром в советско-польских и российско-польских отношениях* (Moscow, 2001), 336-337 ; Anna M. Cienciala, "The Katyn Syndrome," *The Russian Review* 65, no. 1 (2006): 117-121.

Rewriting History and Passing Blame: A Comparative Study Between the Katyn Massacres (1940) and the Armenian Relocation (1915)

Belarusian victims of World War Two. This was perceived as a way to confuse people about what had happened in Katyn.⁵³

Further pressure on the Soviet Union to look further into Katyn, was dismissed and answered with heavy consequences as early as 1943 when the Polish government-in-exile in London, asked the International Committee of the Red Cross in Switzerland to look into the matter. Stalin immediately severed all diplomatic ties with the London-based Poles. In Soviet-run Poland, the matter was heavily censored and even took up a prominent place in the so-called “Black Book of the Censorship in the Polish People’s Republic”.⁵⁴ Subsequently, all books that mentioned Soviet involvement in Katyn were removed from libraries, and destroyed accordingly in the mid-1940s, late 1940s, and early 1950s. In the 1950s, the Soviets even proposed (and actually carried out) the complete destruction of all archives related to Katyn.⁵⁵ The subsequent destroying was headed by Alexander Shelepin, head of the Soviet secret security service KGB, who took his job very seriously and even asked Soviet leader Nikita Khrushchev to also destroy all personal files of all 21,857 executed Poles to be thorough.⁵⁶ This offer to Khrushchev by Shelepin on 3 March 1959, is now hailed as one of the few preserved archive documents concerning Katyn.⁵⁷ Next to destroying all state documents related to Katyn, he also destroyed all personal files of the victims to effectively minimize the chance of any public revelation concerning the facts about Katyn, which the Soviet Union fought so hard to hide and replace by an alternative version of history. However, this was not an isolated example.

Especially after World War Two, Poland (having a pro-Soviet government) followed the strict Soviet censorship as Poland was occupied by Soviet forces after the war. After the initial neglect, and ignorance, the second phase started when an alternative version for Katyn was promoted in accordance with the official line of Soviet propaganda. On the one hand, Katyn was strongly and deliberately censored in any source that might provide additional information about the massacres. On the other hand, Katyn was also used in highlighting Nazi atrocities against Slavic-Soviet peoples to emphasize the importance of staying loyal to each other. The image was that no outsider, be it fascist Nazi-Germany, or capitalists from the West, could be trusted, and they were all out to eradicate the Slavic-Soviet peoples who needed to enforce their brotherhood in order to withstand this threat.

53 Louis Robert Coatney, “The Katyn Massacre: A Master of Arts Thesis,” Western Illinois University (Illinois/USA, 1993).

54 Jan Józef Lipski, *KOR: A History Of The Workers’ Defense Committee In Poland, 1976-1981* (Berkeley, 1985).

55 Matthew J. Ouimet, *The Rise And Fall Of The Brezhnev Doctrine In Soviet Foreign Policy* (North Carolina/USA, 2003), 126.

56 Cienciala & Materski, *Katyn: A Crime Without Punishment*, 240-241.

57 Sanford, *Katyn and the Soviet Massacre Of 1940...*, 94.

4.3) Brethren Within The Slavic-Soviet Image

The ideal image that is strongly intertwined with the neglect of Katyń in Soviet historiography has everything to do with the upholding of Soviet righteousness (as Soviets were living in the “paradise” and not able to conduct such hideous crimes as this was an exclusive trait of capitalism), but also gaining the support and loyalty of all Soviet or pro-Soviet republics. In order to sustain this, the blame for Katyń was to be shifted to another outside force that could be portrayed as the enemy of both the Polish peoples as the very future of the Soviet Union. This would not only bring the two (Poland and Soviet Union) closer together, but it would also ensure their unity by enforcing it by a common enemy; even though this enemy was long-gone, as Nazi-Germany did not exist anymore. The portrayed and imagined enemy, Nazi-Germany in this case, was easily found as it did indeed commit enormous and hideous crimes against Slavs in general, and Poles in specific; hitting two birds with one stone. It was therefore easy to make the Soviet war crimes shift to the Nazis, especially since they were not able to defend themselves anymore, and it “proved” that only Western capitalism was capable of such atrocities against the Slavic-Soviet brethren of the world.

So, when Katyń became a forbidden topic in postwar Poland, it became a massive undertaking which was only possible with the full support of both the pro-Soviet government in Poland, and the Soviet Union itself. It required the authorities to control all the media and even all academia. This governmental censorship not only suppressed all references to Katyń as a Soviet war crime, but also made the sheer mention of it very dangerous. Many disillusioned Polish army officers, fed up with the Soviet cover-up propaganda concerning Katyń and the feeling that they desecrated the very memory of their fallen comrades by ignoring it, refused to work together with the occupying Soviets and committed suicide. The same was the case with the family members of the victims of Katyń, who could no longer cope with the grief and also took their own lives. This social phenomenon was portrayed in the Polish film ‘Katyń’ in 2007.⁵⁸

This continued grievance expanded the denialist Soviet policy with an alternative history for Katyń in which the Nazis were the perpetrators. This way, the victims of Katyń would still be able to receive some sort of respect and commemoration, like with the monuments at Powązki Cemetery in Warsaw where the inscription “Katyń, 1940” was confiscated by police and subsequently replaced with the official inscription: “To the Polish soldiers—victims of Hitlerite fascism—reposing in the soil of Katyń”.⁵⁹ This makes the

58 Andrzej Wajda, *Katyń* (ITI Cinema, 2007). 115 minutes.

59 Fischer, “The Katyn Controversy...”

case of Katyń and the complete replacement of history in the search for nation-building very unique.

On the other hand, Katyń also proved one of the decisive events that caused the Polish resistance against the Soviets in the 1970s and 1980s until Poland regained its independence from the Soviet Union on 30 December 1989. In the re-established independent Polish Republic, Katyń in turn became the very embodiment of all the suffering the Polish people had endured under Soviet-Russian reign. Slowly, the real reasons for Katyń surfaced which provided stability for the Polish search for nation-building by carving out a national identity and embracing the painful pages of history.

5) Concluding remarks

In this comparative study between the Katyń Massacres (1940) and the Armenian Relocation (1915), one can clearly see common traits in which the tool to rewrite history entirely and, by doing so, passing blame to another is used to its fullest extent. This trait aims to construct a national identity out of the ashes of a failed historic event that needs to be either ignored or erased from history in order to accomplish the nationalistic portrayal of the “ideal image”. This fundamental approach to nation-building can firstly be seen in Katyń.

Basically, the massacres of Katyń were revenge for the Polish-Russian War (1919-1921) which followed the efforts of the Soviet Union to create a westward offensive in 1918 and 1919 into Eastern and Central Europe. This expansion was seen as the first step to a global communist revolution in which a worldwide proletarian order would seize power and dismiss capitalism. With the victory of Poland in both wars, the ‘grand’ Soviet dream of a worldwide communist revolution was quelled before it even started. This created serious animosity amongst the ambitious Soviet leader Stalin when he took control of the Soviet Union in 1924. In order to prevent any similar Polish resistance in the future, he quickly developed the idea to eradicate Polish intelligentsia and leadership and leave the Polish population vulnerable to Soviet propaganda and indoctrination. This two-sided reasoning would on the one hand, incorporate a collective punishment for Poland as a whole, and accordingly also deprive a future Polish generation of its military potential as well as a large portion of its intellectual talent. This would both be a collective punishment, as well as tool to make the incorporation of Poland into the Soviet Union (or at least have a pacified western neighbor at the Soviet border) possible.

When it was finally possible to implement this collective punishment, it was 1939 and Stalin carried out his plans for the Poles. And in 1940, Stalin (and others of the Soviet leadership) perceived the Polish prisoners as a serious threat to Soviet authority as most of the prisoners still resisted being under Soviet rule, and verbally proclaimed to stay anti-Soviet. With this development, the idea of Stalin to isolate Poland from its intelligentsia, by keeping them as prisoners inside special prisoner camps until they agreed to be subjected to pro-Soviet sentiments, continued to develop into the policy to be killed as archenemies of the Soviet Union. The subsequent massacres in turn caused a breach in the Soviet efforts of unity as it would be unexplainable why the Soviet Russians would kill their Slavic brethren. To cover up this side of history, a massive governmental apparatus was built up to not only completely erase all aspects of the massacre, but also to give it a new form by blaming it on another entity that was deemed a convenient common enemy for both Russians and Poles in order to create a long-lasting Russian-Polish alliance in which the Soviet Russians were falsely perceived as the saviors of the Poles by defeating the Nazi-Germans. The Soviets were promptly promoted to hero status while they were, in fact, the perpetrators of the (war) crimes they promoted to have saved the Poles from.

In the Armenian case study, many resemblance are to be found as it was also a version of history that tried to hide to militant Armenian-perpetrated aggression and crimes and replace it by an alternative version of history in which the Armenians were the mere victims of the (war) crimes committed by others; namely the Ottoman Turks. Just as the involvement of the Soviets in the murder of the Poles, the Armenians had committed atrocities through Armenian militant organizations such as Armenakan, Hunchakian, and Dashnaktsutyun. These three parties are still active within the Armenian political landscape, and in some periods of time, even dominated the Armenian government. While the Soviet Union no longer exists, the three Armenian groups are still seen as notable actors in Armenian politics. In this case, it makes the case of the Armenians more difficult to study since that process of nation-building, in which history is consciously distorted, is still fully active. Whereas Soviet historiography denied any wrongdoing against the Poles and even denied that they killed the Polish elite, Armenian historiography also denies that Armenians that engaged in any wrongdoing against the Turks and also denies that whole villages of ethnic Turks and Kurds were subjected to mass violence.

As such, in both cases, the perpetrators accompanied their denial with the active replacement of history by “their” version of history in which they made use of fabrications and falsifications, mass-propaganda, indoctrination, and also a misleading state-organized rewritten version of history in which they made themselves come off as either the “good guys” or the victims. Embarrassing

Rewriting History and Passing Blame: A Comparative Study Between the Katyń Massacres (1940) and the Armenian Relocation (1915)

and incriminating past events were censored and erased, while a new version of history was promoted as the fundamental core of the 'ideal image' of the nation. The former constituted the factual history, while the latter applied to the altered, alternative, and completely rewritten version of history in which the blame was passed on to "a common enemy" in order to create unity in the process of nation-building. Debates between the two versions of history were not allowed and many books were simply forbidden or destroyed instead of factually debating their content. In order to accomplish this, both made use of the grand governmental apparatus that controlled all aspects of everyday life in society (music, poems, remembrance days, monuments, history textbooks, etc.). The authoritarian or even dictatorial regime that these tools of nation-building need can be found in both the Soviet Union as Armenia (both pre-1991, as post-1991).

One interesting detail is that all parties involved are theoretically leftist (Soviet, Hunchakian, Dashnaktsutiun, and Armenakan -which later became Ramgavar) but maintain rightist thoughts while resorting to force, violence, torture, and terrorism as means to their aim. The continued existence of Hunchakian, Dashnaktsutiun, and Armenakan/Ramgavar on the true nature of the events of 1915 make public debate very difficult.

Another difficulty stems from the fact that in both instances, it has become the core of the ideal image. The Soviets used Katyń to emphasize their Slavic-Soviet brotherhood with the Poles in order to create an image of Soviet Russians being the protectors of all Slavs in general, and Poles in specific against the capitalist West that was being represented by Nazi-Germany. Where this case is no longer applicable, as the Soviet Union is collapsed, this portrayal is still being promoted by the successor of the Soviet Union: the Russian Federation.

With the Armenians, it is no different. The altered history is used to emphasize Armenian brotherhood between all Armenians (despite religious, linguistic, historical, and even cultural) differences and create the image of having to protect themselves against a common enemy: in this specific case, the Ottoman Empire that has been replaced by the Republic of Turkey.

One important difference is that the former case study is no longer dominant as both Nazi-Germany and the Soviet Union do not exist anymore and Poland is freed from Soviet dominance. In the case of the latter, the Ottoman Empire has collapsed but both the militant organizations as well as the state of Armenia still exist. This made it possible for the process of nation-building in the Soviet case to be halted while the usage of the alternative version of history in the Armenian case remains the core of Armenian nationalism. In Armenia, the distorted portrayal of the events remains the core of its national identity.

One can say that the rewriting of history and passing blame has eventually failed in the case of Katyń but is certainly not failing in the case of Armenia. This aggressive form of nation-building, however, has and will always continue the pattern of violence because the upholding of the “ideal image” depends on the common enemy that has been created. Both the Soviet Union and Armenia made/make use of this portrayal of a fabricated enemy in which Armenia is more successful in gaining outside support from governments abroad than the Soviet Union was. It needs to be noted that the actual competition between the Soviet Union and the West during the Cold War (1945-1991) made it more difficult for the Soviets to promote their ideal image through distorted history, while the Armenians lack an ideological competitor.

Armenia is unhindered in its process of nation-building, which became evident when the supposed “enemy” (Turkey) was amongst the first nations to recognize Armenian independence in 1991. Lacking a true enemy, Armenia set about searching for a new one; its first act of after its independence was the declaration of war against the Turkish-speaking Azerbaijan. With the Karabakh War, Armenia thus gained a new enemy besides Turkey; Azerbaijan (it should be noted that Armenians commonly lump Turkey and Azerbaijan into one large Turkish entity, which they perceive as their archenemy). This approach has unfortunately caused more victims and can be seen as the continuation of the use of violence by Armenia in order to uphold its image of the “ideal nation”. The fact that Armenia lacks an ideological opponent, in turn, has allowed its process of nation-building to proceed fairly unhindered and therefore became relatively successful, as in, it is still the core of the Armenian national identity.

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KEYS FOR A LEGAL ASSESSMENT OF GENOCIDE RECOGNITION DEMANDS AND REPARATION CLAIMS OF ARMENIANS*

(ERMENİLER TARAFINDAN ORTAYA ATILAN SOYKIRIM İDDİALARININ
TANINMASI VE TAZMİNAT TALEPLERİNİN HUKUKİ
DEĞERLENDİRMESİNE İLİŞKİN ESASLAR)

Pulat TACAR**

Abstract: *This paper intends to assess the legal aspects of the Armenian genocide claims and the compensation and/or reparation demands attached to it. This paper will not cover the historical, moral, or humanitarian aspects of the Armenian claims.*

Keywords: *Turkey, 1915 Events, 1948 Genocide Convention, recognition, reparations*

Öz: *Bu makale Ermeni soykırım iddialarının hukuki yönlerini ve iddialar çerçevesinde ortaya konan telafi ve tazminat taleplerini değerlendirmeyi amaçlamaktadır. Makale; Ermeni iddialarının tarihi, ahlaki veya insani boyutlarına değinmeyecektir.*

Anahtar Kelimeler: *Türkiye, 1915 Olayları, 1948 Soykırım Sözleşmesi, tanıma, tazminat*

* This article is the translated, revised, and expanded version of a Turkish text that was originally prepared as a presentation for a conference on the legal ramifications of Turkish-Armenian controversy over the 1915 events and the Armenian genocide claims. The conference was held in Ankara at the Center for Eurasian Studies (AVİM) on 30 March 2017:

<https://avim.org.tr/en/Etkinlik/KEYS-FOR-A-LEGAL-ASSESSMENT-OF-THE-ARMENIAN-GENOCIDE-RECOGNITION-DEMANDS-AND-INJURY-REPARATION-CLAIMS-AMBASSADOR-R-PULAT-TACAR>

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1) Accusations of Genocide

The diaspora Armenians and the Republic of Armenia persistently accuse the Republic of Turkey of pursuing a “policy of denialism” with regard “the act of genocide committed during 1915–1916,” and demand that “Turkey assumes responsibility for the internationally wrongful acts it has committed against Armenians and other Christian minorities.”

Those who maintain the genocide thesis argue the following; “State succession prevails and continuing responsibility has been inherited by the Republic of Turkey from the Ottoman State; consequently Turkey must assume full responsibility and should compensate the injury caused by the Ottoman Empire during the tragic events of 1915-1916 and following years.”¹

2) Financial Compensation Claims

Armenian financial compensation claims are listed in a document entitled “Resolution with Justice Reparations of the Armenian Genocide - The Report of the Armenian Genocide Reparations Study Group”. The amount of claimed financial compensation varies from 70,030,167,080 to 104,544,260,400 (70-105 billion) US dollars.

The legal arguments for such claims have been laid out in several publications;² some of them have been presented at a conference organized by the Armenian Catholicosate of Cilicia in Antelias, Lebanon, from 23 to 25 February 2012. The papers submitted there have been subsequently published by the International Criminal Law Review in 2014.

3) The Supposed Legal Basis for the Demands

The arguments put forward by the authors who maintain the genocide thesis are often confusing and muddled. The proponents of Armenian reparation claims use present-day legal concepts and rules, and attempt to qualify events that have occurred more than a century ago as genocide, without inquiring

1 Vahagn Avedian, “State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey and the Armenian Genocide,” *European Journal of International Law* 23, no. 3 (2012); Alfred de Zayas, *The Genocide Against the Armenians 1915-1923 and the Relevance of the 1948 Genocide Convention* (Beirut: Haigazian University, February 2011).

2 “Resolution with Justice: Reparations for the Armenian Genocide - The Report of the Armenian Genocide Reparations Study Group,” *Armenian Genocide Reparations Study Group*, March 2015, <http://www.armeniangenocidereparations.info/wp-content/uploads/2015/03/20150331-ArmenianGenocideReparations-CompleteBooklet-FINAL.pdf>; Armenian Genocide Centenary Commemoration Committee (AGCCC, the UK), *The Armenian Genocide: A Plea for Justice (April 1915)*; de Zayas, *The Genocide against the Armenians 1915-1923...*

whether these concepts and rules existed at the time; furthermore they fail to identify and ignore the legal obligations which were binding on the Ottoman State in 1915.

The arguments presented by Armenia, the Armenian nationalist and militant groups and their supporters do not rely on the 1948 United Nations (UN) Convention on the Prevention and Punishment of the Crime of Genocide (hereafter: Genocide Convention). They instead try to anchor their demands on non-binding soft-law instruments or draft treaties such as:

- the Draft Treaty of Sèvres, which has never been ratified, nor has it entered into force.
- the “Draft Declaration on Population Transfer and the Implantation of Settlers” drawn up in 1997 by Mr. Al-Khasawneh, Special Rapporteur on Human Rights and Population Transfer - a Sub-Commission of the Commission of Human Rights of the UN. This Draft Declaration has never been adopted and as such not binding for any State.
- the “Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.” This is another non-binding soft-law instrument. The “Guideline” in question does not entail new and sanctionable international or domestic legal obligations.
- “Draft Articles codifying the Responsibility of States for Internationally Wrongful Acts”. These have been drafted by the International Law Commission (ILC) in August 2001 and adopted by the UN General Assembly under Resolution 56/83. This Resolution brought the document in question to the attention of Governments without prejudice to their future adoption or other appropriate action. In other words, this resolution is not a binding legal instrument for State parties. Some Armenian jurists continue to refer to this document as the legal basis of their reparation claims.

4) The Absence Of “Special Intent”

The Turkish government and the great majority of Turks do not deny that Ottoman Armenians as well as other Ottoman citizens were subjects of a great tragedy during the years of 1915–1916. The criminality associated with the tragic events (called *Metz Yeghern* by the Armenians) related to the forced migration of some Ottoman Armenians in 1915–1916 into the southern provinces of the Ottoman State was addressed by the Ottoman judiciary.

Individuals or members of the groups who attacked the displaced Armenians and/or officials who exploited the Armenian plight and neglected their duties or abused their powers were court-martialed and punished. In 1915, more than 20 Ottoman subjects were sentenced to death and executed for having committed such crimes. They were judged according to the Ottoman Penal Law in force at that time.³

According to a report by Talat Pasha, the Minister of Interior, the Ottoman government created three commissions to investigate the complaints of Armenians. As a result, in March–April 1916, a total of 1673 Muslim Ottoman citizens -including captains, first and second lieutenants, commanders of gendarmery squads, police superintendents, and mayors- were arrested and brought before courts martial. Sixty-seven of them were sentenced to death, 524 Ottoman citizens were sentenced to serve jail terms, and 68 received other punishments such as forced-labor, imprisonment in forts and/or exile. It is not unimportant to notice that several criminals were sentenced to death for committing plunder, and that other death sentences were justified not only by murders, but also by robberies.⁴ Authors who maintain the Armenian genocide thesis try to avoid all mentions to these trials and condemnations, probably because the genocide thesis fails to make any sense in light of these trials and condemnations.

The Armenians regard themselves as the only victims of the tragedy which occurred more than hundred years ago in Anatolia. They claim that the Ottoman State pursued a policy of genocide against its Armenian population.⁵ This argument is rejected by Turkey, because the Ottoman State had no “special intent” to destroy the Ottoman Armenians “as such”; other non-Armenian Ottoman citizens also suffered as well; both Ottoman Armenians and the Muslims were the victims of the great tragedy. The result of the inter-ethnic killings between the Armenian armed rebels and the Ottoman Turks and the Kurds was an unprecedented horror. History records few examples of mortality as great as that suffered in Van Province.⁶

3 Pulat Tacar, “2015’te Türkiye’nin Başına Ermeni Tsunami Çökecekmiş,” *Yeni Türkiye*, Ermeni Meselesi Özel Sayısı V, Yıl 20, Sayı 64 (Eylül-Aralık 2014) ; Pulat Tacar, “The Legal Avenues That Could Be Resorted to Against Armenian Genocide Claims,” *Review of Armenian Studies*, No. 13-14 (2007).

4 Tacar, “2015’te Türkiye’nin Başına Ermeni Tsunami Çökecekmiş” ; Tacar, “The Legal Avenues That Could Be Resorted to...”

5 Pulat Tacar, “An Invitation to Truth, Transparency and Accountability: Towards ‘Responsible Dialogue’ on the Armenian Issue,” *Review of Armenian Studies*, no. 22 (2010): 135.

6 Justin McCarthy, Ömer Turan, Cemalettin Taşkıran ve Esat Arslan, *1915 Van’da Ermeni İsyanı* (Tarih & Kuram Yayınları, 2015).

5) Why Turkey And The Great Majority Of The Turks Do Not Define The Tragic Events Of 1915–1916 As Genocide?

The Turkish government and overwhelming majority of Turks, as well as some other governments⁷ and many scholars or experts, reject the qualification of the tragic events of 1915 as “genocide”, because the *sine-qua-non* legal conditions laid down by the 1948 Genocide Convention do not exist.

Some Turkish experts share the opinion that the tragic events of 1915 may be labelled criminal acts as cited in the Ottoman Penal Code; others qualify these events as “mutual inter-ethnic killings”.

The term “genocide” is a legal term. “Genocide is a legal characterization of an event. Genocide is not an event itself. It is an epithet.”⁸

6) What Are The Characteristics Of Genocide?

6.1) Protected Groups

The protected groups by the Convention are national, ethnical, racial, or religious groups. Other groups, such political groups or cultural groups or sexual groups are not protected by the Genocide Convention. Furthermore, “Victims of a response to a rebellion are not qualified as victims of genocide, no matter what.”⁹

7 The United Kingdom (UK-British) government on many occasions officially declared its position on the matter. On 14 April 1999, the Foreign Office spokesperson Baroness Ramsay of Cartvale stated that “the British government has not recognized the events of 1915 as indications of genocide” ; on 7 February 2001, acting on behalf of the British government, Baroness Scotland of Asthal declared: “The government, in line with the previous British governments, have judged the evidence not to be sufficiently unequivocal to persuade us that these events should be categorized as genocide as defined by the 1948 United Nations on genocide. ... The interpretation of events in Eastern Anatolia in 1915–1916 is still the subject of genuine debate among historians. The UK government did not accept the 1915 events as qualifying as genocide.”

The Israeli government refused to accept the parallelism between the Holocaust and the tragic events of 1915. The Ambassador of Israel, Rivka Kohen, in Yerevan declared on 7 February 2002 during a press conference that; “the 1915 events couldn’t be considered genocide because the main killings in these events were not planned and the Ottoman government had no intention to destroy a nation or a group of people as such. As a well-known fact many people from the Armenian and Muslim groups had lost their lives in these events. The Holocaust is unique. At this stage nothing should be compared with the Holocaust.” On 10 April 2001, the Nobel Prize-winning Israeli Foreign Minister Shimon Perez said that “the fate of Armenians in Anatolia was a tragedy, not genocide.” He added, “Armenian allegations are meaningless. We reject attempts to create a similarity between the Holocaust and the Armenian allegation. If we have to determine a position on the Armenian issue it should be done with great care not to distort the historical realities.”

8 “The Address Delivered By Mr. Tal Buenos At The Luncheon Hosted By NSW Parliamentary Friends Of Turkey - New South Wales Parliament, 24 November 2014,” *Center for Eurasian Studies (AVİM)*, Blog No: 2014/32, December 8, 2014, <https://avim.org.tr/Blog/THE-ADDRESS-DELIVERED-BY-TAL-BUENOS-NSW-PARLIAMENT>

9 ““The Address Delivered By Mr. Tal Buenos Turkey...”

6.2) What are the guilty acts (*actus reus*) foreseen by the Genocide Convention?

- Killing members of the group;
- Causing serious bodily or mental harm to members of the group;
- Deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part;
- Imposing measures intended to prevent births within the group;
- Forcibly transferring children of the group to another group.

Some authors maintaining the genocide thesis and their supporters disregard the wording of the Genocide Convention and include the seizure of property in the genocidal acts; “Seizure of property” is not included among the guilty genocidal acts listed by the Convention.

6.3) *Dolus specialis* – Special Intent

The most important characteristic of the Genocide Convention is that, for the crime of genocide to exist, acts must have been committed with the intent to destroy the protected groups as such. The sole existence of a guilty act is not sufficient to qualify the crime as “genocide”. As such, “special intent” is the main defining criteria established by the Convention. The International Court of Justice - ICJ (in its verdict on Croatia/Serbia case) clearly underlined that the existence of one or more guilty acts enumerated in Article II of the Convention are not sufficient to qualify the events as “genocide”.¹⁰ The existence of special intent would have to be proven. This is why the key words “intent to destroy as such” has been added to Article II of the Genocide Convention.

7) The Main Disagreement Between Turkey And Armenia On The Issue Of Genocide

The legal aspect of the genocide allegation is the main point of disagreement and reason of conflict between Turkey and Armenia (as well as between overwhelming majority of Turks and the Armenians and their supporters). For the Armenians, “Turkey’s refusal to recognize and accept the reality of Armenian genocide” amounts to “denial of historical truth”. For them, the mere existence of one or more of the acts listed in Article II of the Convention equals

¹⁰ Application Of The Convention On The Prevention And Punishment Of The Crime Of Genocide (Croatia V. Serbia) (International Court of Justice (ICJ), Judgement of February 3, 2015).

genocide. What the Armenians do not want to acknowledge and accept, is that from a legal point of view, the existence of the *actus reus* is not enough to call an event as genocide. This aspect was clearly and definitely underlined by the ICJ by its Croatia-Serbia verdict.

Furthermore, the Armenians do not want to acknowledge the mutual killings between the Ottoman Armenian and Muslim population; as mentioned above, the result of the inter-ethnic killings were unprecedented horror. Also, "...the Armenian narrative does not dwell much on the experiences of the Muslims of the Balkans and the Caucasus who likewise underwent the same process as did the Armenians and others in 1915."¹¹

For an event to be accepted as "historical truth" in the context of the legal term "genocide", it should be certified by the decision of a competent court. For example, the Holocaust is regarded and accepted by the judiciary as historical truth because of the existence of the 1946 verdicts of the International Military Tribunal at Nuremberg.

8) Political Use And Abuse Of The Term Of Genocide

Some historians, sociologists, politicians, and even political scientists who deal with these issues tend to describe almost any incident which involves a significant number of loss of life as genocide. As such, they purposely mislead those who are not familiar with the law.

The 1948 Genocide Convention does not allow for convictions on the grounds of genocide by legislatures, scholars, pamphleteers, politicians, or others. Qualifying the events of 1915 as genocide equals to detaching genocide from its legal definition and using it for political and/or moral purposes. Whether it is sound to keep hammering on a legal term based on non-legal considerations is doubtful and could lead to a devaluation of the norm itself.

9) Legal Evaluation Of The Armenian Genocide Accusation

9.1) Retroactivity of the Genocide Convention

Some authors argue that the 1948 Genocide Convention can be applied retroactively to the "1915 Armenian Genocide" because most provisions of the Convention are declarative of pre-existing international law.¹²

11 Nareg Seferian, "The Clash Of Turkish And Armenian Narratives. The Imperative For A Comprehensive And Nuanced Public Memory," *Istanbul Policy Center-Sabancı University Publication* (May 2017): 5.

12 de Zayas, "The Genocide Against the Armenians 1915-1923..."

This is not a valid legal argument. Neither those provisions are declarative of pre-existing international law, nor relevant State practice and *opinio juris* support it.

The Convention does not apply retroactively. The Convention entered into force on 12 January 1951 for Turkey and Turkey is only bound with regard to events subsequent of 12 January 1951.¹³

9.2) Statute of Limitation

Authors maintaining the genocide thesis argue that the statute of limitation does not apply to genocide and crimes against humanity. They claim that the Republic of Turkey is responsible and should pay compensations to the Armenians. This argument is based on the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. But the said Convention deals with individual criminal responsibility, not with State responsibility, and as such, is not applicable to reparation claims against any State.

In fact, the principle of extinctive prescription is widely accepted as a general principle of international law in the sense of Article 38.1.c. of the Statute of the ICJ.

9.3) *Nulla poena sine lege*

This is one of the principles governing international criminal law and means no person shall be convicted by a court may be punished without a law foreseeing such punishment.¹⁴ Authors maintaining the genocide thesis tend to ignore this principle.

13 Other governments share the non-retroactivity of the Genocide Convention. For example, in response to the call for the UK to recognize the events of 1915-1916 as genocide, the British government stated in 2006 that "... it was not possible at the time of the events to label the massacres as genocide within the term of the Convention."

14 1998 Rome Statute of the International Criminal Court (ICC) - Article 23: *Nulla poena sine lege*: "A person convicted by the Court may be punished only in accordance with this Statute."

9.4) *Nullum crimen sine lege*

Similarly, a person shall not be criminally responsible “...unless his or her conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.”¹⁵

9.5) Duality Of Responsibility In International Law

Some authors maintaining the genocide thesis persistently use arguments and examples of individual criminal responsibility and try to apply them to the question of state responsibility, neglecting the duality of responsibility in international law. The question of individual responsibility is in principle distinct from the question of state responsibility.

The Genocide Convention confirms individual criminal responsibility for an international crime; the Convention does not create international obligations of a state vis-a-vis its own citizens.¹⁶

On this issue, the ICJ ruled in Bosnia-Herzegovina “genocide case” the following:

“The feature of the duality of international responsibility is reflected in Article 25 para. 4 of the Rome Statute for International Criminal Court: No provision in this Statute relating to individual responsibility shall affect the responsibility of States under international law.”¹⁷

15 1998 Rome Statute of the International Criminal Court (ICC) – Article 22: Nullum crimen sine lege:

“1. A person shall not be criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.

2. The definition of a crime shall be strictly construed and shall not be extended by analogy. In case of ambiguity, the definition shall be interpreted in favour of the person being investigated, prosecuted or convicted.

3. This article shall not affect the characterization of any conduct as criminal under international law independently of this Statute.”

16 Unpublished legal opinion by Professor Dr. Stefan Talmon (Director of the Institute for Public International Law, University of Bonn, Germany; legal adviser of the Turkish Government during the Perinçek vs. Switzerland case in ECtHR).

17 1998 Rome Statute of the International Criminal Court (ICC) – Article 25: Individual criminal responsibility:

“1. The Court shall have jurisdiction over natural persons pursuant to this Statute.

2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute.

3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;

9.6) *Ne bis in idem*

This principle means that no person shall be tried with respect to conduct which formed the basis of crimes for which the person has already been convicted or acquitted by a competent court.¹⁸

9.7) Crimes Against Humanity¹⁹

Some scholars recommended that the Armenians drop their accusation of genocide and embrace the qualification of crimes against humanity with regard to the tragic events of 1915-1916, because the proof of a special intent (*dolus specialis*) is not required for the crimes against humanity.

The *sine qua non* exigence of special intent for the crime of genocide and the impossibility to prove it after hundred years (none of the suspects are alive) brought the concept of “crimes against humanity” to the agenda of some scholars and politicians who embrace the “Armenian Genocide” thesis. They argue that the concept of crimes against humanity was tabled already in 1915

(c) For the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;

(d) In any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either:

(i) Be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a crime within the jurisdiction of the Court; or

(ii) Be made in the knowledge of the intention of the group to commit the crime;

(e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;

(f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose.

4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

18 1998 Rome Statute of the International Criminal Court (ICC) – Article 20: *Ne bis in idem*:

1. Except as provided in this Statute, no person shall be tried before the Court with respect to conduct which formed the basis of crimes for which the person has been convicted or acquitted by the Court.

2. No person shall be tried by another court for a crime referred to in article 5 for which that person has already been convicted or acquitted by the Court.

3. No person who has been tried by another court for conduct also proscribed under article 6, 7 or 8 shall be tried by the Court with respect to the same conduct unless the proceedings in the other court:

(a) Were for the purpose of shielding the person concerned from criminal responsibility for crimes within the jurisdiction of the Court; or

(b) Otherwise were not conducted independently or impartially in accordance with the norms of due process recognized by international law and were conducted in a manner which, in the circumstances, was inconsistent with an intent to bring the person concerned to justice.”

19 1998 Rome Statute of the International Criminal Court (ICC) - Article 7: Crimes Against Humanity

in a Joint Statement issued on 24 May 1915 by the Ambassadors of France, the UK, and Russia to the Ottoman Porte. This is often referred to as evidence in support of the claim of a violation of international law giving rise to reparation claims. This statement claims that;

“... in view of the crimes of Turkey against humanity and civilization, the Allied governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government and those of their agents who are implicated in such massacres.”

This statement has no legal basis; it is politically motivated. The legal concept of crimes against humanity did not exist in 1915 and was only codified by the Rome Statute which entered into force on 1 July 2002 that created the International Criminal Court (ICC).²⁰

The International Criminal Court in its ruling for the Former Yugoslavia in the Tadic Case held that “crimes against humanity were a new category of crime created by the Nuremberg Charter.”

The Rome Statute is not retroactive. In 1915, the Ottoman State’s treatment of its citizens was considered an internal affair of the state which was beyond the reach of international law.

20 The differences between “genocide” and “crimes against humanity”:

- a) The proof of special intent (dolus specialis) is not required to establish a crime against humanity;
- b) The list of protected groups is enlarged to embrace political, cultural groups;
- c) Actus reus (guilty acts) list of the crimes against humanity is much longer.

For the establishment of a crime against humanity a “widespread or systematic attack directed against any civilian population with knowledge of the attack” is required.

The list of guilty acts with regard to crimes against humanity is as follows:

- a) Murder;
- b) Extermination;
- c) Enslavement;
- d) Deportation or forcible transfer of population;
- e) Imprisonment or severe deprivation of physical liberty in violation of fundamental rules of international law;
- f) Torture;
- g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- i) Enforced disappearance of persons;
- j) The crime of apartheid;
- k) Other inhuman acts of a similar character intentional causing of great suffering or serious injury to the mental or physical health.

9.8) The Competent Tribunal

The crime of genocide -as any other crime- can be legally determined only by the judges of a competent tribunal on the basis of prescribed legal criteria and after a fair and impartial trial.

Article VI of the 1948 Genocide Convention with regard the competent tribunal reads as follows:

“Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.”

The issue of a competent tribunal had been extensively debated by the International Preparatory Conference of the 1948 Genocide Convention. The question of determining the competent tribunal was resolved after lengthy discussions, and the above-mentioned text was approved. During the discussions, a proposal for “universal repression” was rejected. Universal repression allows the judging of the suspects by any tribunal of any state.

9.9) Customary Prohibition Of Genocide

Authors who maintain the genocide thesis and their supporters argue that “the Genocide Convention merely confirm existing international law” and “there is no valid argument in international law that would allow the exclusion of Armenians from the application of the Convention.”²¹

This argument has no legal basis. The 1948 Genocide Convention does not codify pre-existing customary international law obligation of states in 1915, as the crime of genocide did not exist even as a concept. “Genocide” found its juridical consecration only after 1948.

At the time of the First World War, individual criminal responsibility in international law was unknown.

9.10) Right To Property

Some scholars maintaining the genocide thesis claim that Armenians’ right to property was violated by the Ottoman State through expropriation measures, and this act *per se* is a genocidal crime.

21 de Zayas, “The Genocide Against the Armenians 1915-1923...”

This view is not shared by the judiciary; it is widely accepted that taking of property by a state from its own nationals does not violate international law.

The European Court of Human Rights (ECtHR) held with regard to acts of expropriation taken place in 1940's that "... expropriations were carried out in respect of state's own nationals and are therefore not governed by international law".²²

Finally, as we mentioned above, loss of property or expropriation is not cited as *actus reus* by the Article II of the 1948 Genocide Convention and therefore cannot be qualified as "genocide".

Concerning right to property claims presented under International Covenant of Civil and Political Rights (ICCPR); the right to property is not protected by the ICCPR. Allegations concerning a violation of the right of property are not admissible *ratione materiae* under Article 3 of the Optional Protocol of the ICCPR.

The confiscation or expropriation of property is considered an instantaneous act without continuing effects. Court decisions that confirm past confiscations based on laws adopted prior to the entry into force of the Optional Protocol of the ICCPR do not in themselves constitute a continuing violation of the Covenant.

Similarly, a state's failure to compensate the claimant for the confiscation of his/her property after the entry into force of the Optional Protocol of the ICCPR does not qualify as a continuing effect as such.

Articles 2(3) and 9 (5) of the ICCPR are accessory in nature and do not provide for an independent free-standing right to a remedy or compensation.

If the events constituting violations of the Covenant had occurred before the entry into force of it, the request for compensation will be considered inadmissible *ratione temporis*.

The confiscation of Armenian property during the beginning of 20th century is not subject to Human Rights Committee's jurisdiction, neither *ratione materiae* nor *ratione temporis*.

With regard to complaints presented to the ECtHR, with regard the right to protection of property; this right is covered by Article 1 of the First Protocol to the European Convention of Human Rights (ECHR). In general terms,

22 Unpublished legal opinion by Professor Dr. Stefan Talmon.

ECHR can receive communications and can order restitution. It can also order compensation and other forms of just satisfaction instead of restitution.

However, this right cannot be interpreted as imposing any general obligation on the Contracting States to return or restore property which was transferred to them before they ratified the Convention.

Turkey has no obligation under Article 1 of Protocol No.1 to enact laws providing for rehabilitation, restitution of confiscated property or compensation for property lost by Ottoman citizens.

Considering that Ottoman Armenians and their legal successors have been unable to exercise any owner's right in respect of the properties in question, not just for decades but for over a century and that the transfer of Ottoman Armenian property is considered legally valid in Turkey, any application claiming a violation of the right to the protection of property in Article 1 No. to the ECHR will have to be dismissed as being incompatible *ratione materiae*.

9.11) Claims And Allegations Of Human Rights Violations As The Basis For Reparation, Restitution Of Property, Compensation Claims And/Or Demands For Formal Apology

Complaints and communications of human rights violations may comprise the right to existence; the right to protection of life, health, liberty and property; the right of practicing any religion; the right of immigration and the like.

The Committees established under various United Nations human rights treaties lack jurisdiction *ratione personae* to consider any inter-state communication brought by Armenia against Turkey. In 1915, as far as international law is concerned, apart from morality, there was no restriction whatsoever, upon a state to abstain from "abusing the rights" of its own citizens. Because the individual was not recognized as a subject of international law, it did not hold rights under international law that could be violated. The international law of human rights developed only after the Second World War.²³

Both the substantive provisions of UN human rights treaties and the provisions providing for the competence of the committee cannot be applied retroactively.

23 Unpublished legal opinion by Professor Dr. Stefan Talmon.

9.12) Allegations Of Destruction Of Armenian Cultural Property By The Republic of Turkey

Some Armenians and their supporters argue that Turkey has engaged in continuation of the crime of genocide against the Armenians through “deliberate destruction of Armenian properties in its territories, the destruction of Armenian memory, negation of historical truth and rehabilitation of murderers”.²⁴ None of these acts meet the definition of “genocide”. The list of genocidal acts defined in Article II of the 1948 Genocide Convention is an exhaustive one. Proposals to introduce the concept of “cultural genocide” during the Preparatory Conferences of the Convention in 1948 were voted down. In the Bosnian Genocide trial, the ICJ concluded that the destruction of historical, religious, and cultural heritage cannot be considered to be a genocidal act.²⁵

9.13) Forced Migrations

Regarding claims concerning forced migrations (often referred to as “deportations”²⁶), the UN Human Rights Committee recently considered claims on the subject and other acts of political repression in the 1940’s to be

24 According to Vakhan Avedian, who has written an essay published by the *European Journal of International Law*: “The Republic of Turkey continued practicing the same internationally wrongful acts, even expanding the massacres beyond its own borders into the Caucasus and the territories of the independent Republic of Armenia...” One can assume that Avedian intended to refer to the 1920 Turco-Armenian war. Much has been written about that tragic period. One of the accurate evaluations of that period was made by the then Prime Minister of Armenia, Hovannes Kachaznuni, who wrote: “Despite these hypotheses there remains an irrefutable fact. That we had not done all that was necessary for us to have done to evade war. We ought to have used peaceful language with the Turks whether we succeeded or not, and we did not do it. ... With the carelessness of inexperienced and ignorant men we did not know what forces Turkey had mustered on our frontiers. When the skirmishes had started the Turks proposed that we meet and confer. We did not do so and defied them.” Those who are interested in the realities of that time should read this essential testimony. This may help refresh memories. Furthermore, we should add that the Russian, US, British, and Turkish archives are full of documents which prove the atrocities committed by Armenian forces in Eastern Anatolia during that period, a fact which some Armenian leaders and politicians proudly speak about and do not deny (although they portray these acts in the context of struggle for Armenian liberation and independence). After the end of the Turco-Armenian War, the Treaty of Kars was signed on 13 October 1921 by the delegates of Armenia, Azerbaijan, Georgia, Russia, and Turkey. The intervention of the then Minister of Foreign Affairs of Armenia, Mr. Muravian, who attended the Kars Peace Treaty Conference on 22 September 1921, is also worth mentioning to reflect on Armenia’s official position. He said; “We have not come here with antagonistic feelings and we have no intentions of presenting here the controversial issues we have inherited from the former nationalist governments. We are only admirers of the brave struggle which the preserving people of Turkey engaged in. We carry a sincere wish, and we are absolutely convinced that a nation which defends its country will be victorious and the enemy will be defeated.”

25 Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro) (International Court of Justice (ICJ), Judgment of February 26, 2007).

26 Mehmet Oğuzhan Tulun, “The Events of 1915 and the Word ‘Deportation’,” *Center for Eurasian Studies (AVİM)*, ANALYSIS No: 2015/2, February 8, 2019, <https://avim.org.tr/en/Analiz/THE-EVENTS-OF-1915-AND-THE-WORD-DEPORTATION>

inadmissible *ratione temporis*. The death and disappearance of a person during the events of 1915 is outside the jurisdiction *ratione temporis* of Human Rights Committee.

9.14) Responsibility Of Turkey For Wrongful Acts Perpetrated In The Past

Armenians and some of their followers request that draft Articles codifying the Responsibility of States for Internationally Wrongful Acts should be applied with regard to the genocide claims and Turkey should pay compensation to them.

The Draft Articles in question were drafted by the International Law Commission (ILC) in August 2001 and adopted by the UN General Assembly under Resolution 56/83. This Resolution brought the draft articles to the attention of governments without prejudice to their future adoption or other appropriate action. In other words, this resolution is not a binding legal instrument for state parties.

Some Armenian jurists continue to refer to this document as the legal basis of their reparation claims. Mr. Vaghan Avedian, in an article published by the *European Journal of International Law*, asserts that there is a succession and continuation of responsibility from the Ottoman State to the Republic of Turkey and that Turkey must assume full responsibility for and should repair the injury caused by the Ottoman State.

The legal situation is as follows:

After the First World War and the War of Liberation, Turkey concluded international agreements to put an end to the wars and insurgencies which had disrupted peace in the country as well as in the region since 1914.

Some of these agreements contained amnesty clauses. The amnesties aimed at covering the humanitarian dimensions of the tragic past.

On that matter, *pacta sunt servanda* and *lex specialis* principles are governing the liabilities and legal responsibilities of the Republic of Turkey.

10) Bilateral and Multilateral Treaties and Agreements to which Turkey is a Party

Let us here briefly examine the Lausanne, Kars, and Ankara Treaties, as well as the Agreement between the US and Turkey on compensation demands with regard the legal responsibilities of Turkey. These international agreements are

qualified *lex specialis* (special rules) as foreseen in Article 55 of the ILC Draft treaty, which clearly recognizes that the responsibility of a state with regard to the existence of an internationally recognized wrongful act (if any) is governed by special rules of international law if such special rules are provided for by bilateral or multilateral treaties or other arrangements.

10.1) The Treaty of Lausanne

The Treaty of Lausanne, signed on 24 July 1923, includes a “declaration of amnesty” covering all Turkish nationals, and reciprocally the nationals of other signatory powers of the Treaty of Lausanne, who were arrested, prosecuted, or sentenced prior to 20 November 1922.

In addition, the Treaty of Lausanne, ending the state of war between Turkey and other powers, decreed that former Ottoman citizens (including Armenians) who resided in countries that were separated from Turkey by Article 31 of the Treaty and who had gained citizenship of those countries by means of Article 30, would have the right within two years to choose Turkish citizenship. All the Armenians who were outside the borders of Turkey as of 24 July 1923 and who chose to retain Turkish citizenship obtained the right to return to Turkey if they so wished. Article 6 of the Amnesty Declaration attached to the Treaty states the following:

“The Turkish Government which shares the desire for general peace with all the Powers, announces that it will not object to the measures implemented between 20 October 1918 and 20 November 1922, under the protection of the Allies, with the intention of bringing together again the families which were separated because of the war, and of returning possessions to their rightful owners.”

It is apparent that this Article concerned the individuals who were forced to immigrate and who returned to their homes during the period of armistice and occupation. At that time, Turkey announced that the implementation of the measures proclaimed under the occupation powers would be maintained without modification. According to US archives, 644,900 Armenians returned and settled in Anatolia after the war, even before the Treaty of Sèvres was signed. The Treaty of Sèvres was not ratified and did not enter into force. By returning to Ottoman territories in 1918–1919, many Armenians reacquired some of the property that they had left behind during 1915 transfer of population. For instance, the number of properties returned by 30 April 1919 was recorded as 241,000. This number included approximately 98 per cent of the immovable property. Records also state that some problems and injustices occurred during the application of the regulations.²⁷ Challenging such acts is

judicially possible. Two recent decisions of the Turkish local courts in Adana and in Istanbul (Sarıyer district) which returned properties to one Lebanese and one Turkish citizen of Armenian origin prove that those who possess appropriate documents may present their cases to a competent Turkish court, and if unsatisfied (with the outcome), they may as well take the file to the European Court of Human Rights.

10.1.1) Liquidation Of Ottoman Debts And Other Economic Clauses Of The Treaty Of Lausanne

Articles 46–63 of the Treaty of Lausanne regulate the liquidation of the debts of the Ottoman State. The Republic of Turkey paid all the debts of the Ottoman State.

According to Article 58 of the Treaty, the parties to the treaty reciprocally renounced all claims for the loss and damage suffered between 1 August 1914 and 6 June 1924 as a result of acts of war or measures of requisition, sequestration, disposal, or confiscation.

Articles 65–72 of the Treaty incorporate economic clauses which protect the rights and legal interests of those Ottoman citizens who were subjected to relocation. Article 74 of the Treaty contains special provisions regarding insurance policies. The following take into account those provisions.

10.2) Treaties of Moscow and Kars

The Moscow Treaty of 16 March 1921 was signed between Turkey and Russia. Thereafter, the Treaty of Kars was concluded between Turkey, Armenia, Azerbaijan, and Georgia on 13 October 1921. The Treaty of Kars, which was signed before the Treaty of Lausanne, settled the conflict between Turkey and Armenia, as well as other Caucasian republics. That Treaty stated in Article 15 that “each of the Contracting Parties agrees to promulgate complete amnesty to citizens of the other Party for crimes and offenses committed during the course of the war on the Caucasian front”.

The “murders and atrocities” that occurred were by no means limited to actions of the Turks and other Muslims against Armenians. The investigation by Captain Emory H. Niles and Arthur E. Sutherland in eastern Anatolia in 1919 led them to conclude that; “Armenians massacred Moslems with many refinements of cruelty, and that Armenians are responsible for most of the destruction done to towns and villages”.

27 Tacar, “*Türkiye’nin Başına Ermeni Tsunami Çökecekmiş*”; Pulat Tacar, “Soykırımı Siyasal veya Tarihsel Değil, Hukuksal Bir Kavramdır” (Sevk ve İskanın Yüzüncü Yılında Ermeni Meselesi ve 1915 Olayları Uluslararası Sempozyumu, İstanbul, 2015), 35–69.

10.3) The Treaty of Ankara Concluded with France

Some of the tragic events took place in Ottoman territories occupied by France, where Armenian groups cooperating with France massacred the Muslim population. The Ottoman Muslims retaliated. The Ankara Treaty signed on 20 October 1921 between France and Turkey had foreseen the parties promulgating total amnesty for the crimes committed in those occupied territories. Article 5 of the Treaty reads as follows: “both sides will announce a general amnesty in the evacuated area, following the occupation of this area”.

Once again, the amnesty was far from covering only Turks. French courts martial sentenced many Armenians for banditry, robbery, rape, and assassinations against Turkish civilians, and more generally the large scale of atrocities and destruction -by arson in particular- have been confirmed by numerous French, British, and American sources, in addition to Turkish records.

Finally, with regard to the international responsibilities of Turkey, the above-mentioned treaties of Kars, Ankara, and Lausanne constitute *lex specialis* in legal terms.

10.4) Settlement of Claims Agreement with the United States of America

Turkey settled also the issue of the Ottoman debts to citizens of the US and paid 899,840 US dollars to the Government of the United States for distribution to its citizens on the basis of the Agreement of 24 December 1923 and Supplemental Agreements concluded and implemented between the US and Turkey. The Supplemental Agreement of 25 October 1934 concluded between the two governments provided for the settlement of the outstanding claims of the nationals of each country against the other.

Article II of the agreement is as follows:

“The two Governments agree that the Republic of Turkey will be released from liability with respect that, by the payment of the aforesaid sum [\$1,300,000], the Government to all of the above-mentioned claims formulated against it and further agree that every claim embraced by the Agreement of December 24, 1923, shall be considered and treated as finally settled.”²⁸

28 The dossiers of the claims had to contain the documents establishing the nature, origin, and justification of each claim. The claims had to be submitted by 15 February 1934. The US government had the right to submit other documents in support of claims up to 15 August 1934. According to a report of Mr. Nielsen, Representative of the US Government; “the provisions of the Agreement between Turkey and the US on the matter are in harmony with international practice. In relation to US and Turkey, they are

11) Can The Armenian Side Bring The Genocide Accusation To The International Court Of Justice?

Some politicians and experts hired by the Government of Armenia, Armenian diaspora or the Armenian Apostolic Church have suggested to bring the “Armenian Genocide” accusation before the International Court of Justice with the hope that the Court may prosecute the application and award reparation and compensation for material and non-material injury.

On this issue it should be underlined,

- a) Only states may be parties in cases presented to the International Court for Justice. As such, the Armenian Apostolic Church cannot seek reparation through proceedings before the ICJ.
- b) The right to jurisdiction by the Court depends upon the mutual consent of the parties.

It is unlikely that Turkey and Armenia will be able to conclude an agreement to bring Armenian reparation claims before the ICJ.

12) Can Armenia Use The Possibility Offered By The Article IX Of The 1948 Genocide Convention?

The Article IX of the 1948 Genocide Convention reads as follows:

“Disputes between Contracting Parties relating to the interpretation and application of fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any other acts enumerated in Article III shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.”

For decades, the Republic of Armenia has had the opportunity to bring such a claim before the ICJ; but it did not. Why? Because Armenian authorities knew well that, if put forward, such a claim will be rejected by the Court. The Armenian Government is well aware that the non-retroactivity clause codified

engaged to consider the result of the proceedings of the (claims settlement) commission as a full, perfect and final settlement of every claim upon either Government arising out of any transaction of a date prior to the exchange of the ratifications of the present convention; and further engage that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said commission.” The last US report in 1937 finally estimated that the principal and interest amounted to 899,840.56 US dollars. It is remarkable that not a single claimant with an Armenian name was considered by the American civil servants to have made a credible case of seizure and/or destruction of property.

in Article 28 of the Vienna Convention of the Law of Treaties applies to the Genocide Convention of 1948.

Any claim concerning events in the territory of the former Ottoman State in 1915 and the following years will automatically raise the temporal scope of the ICJ jurisdiction under the compromising provision of Article IX of the Genocide Convention. This is called *ratione temporis*.

The Convention does not give rise to individual criminal or state responsibility for events which occurred during the early 20th century, or at any time prior the date of entry into force of the Convention.²⁹

Furthermore, on its judgement of 3 February 2015 in the Croatian Genocide case, the ICJ addressed at great length the question of its jurisdiction *ratione temporis* under Article IX of the Convention. The Court stated that Article IX was not a general provision for the settlement of disputes; accordingly, the temporal scope of Article IX is necessarily linked to the temporal scope of the substantive provisions of the Convention. The Court held that not only the obligations to prevent and punish genocide, but also the responsibility of a state under the Convention for the commission of acts of genocide is not retroactive. The ICJ stated: “to hold otherwise would be to disregard the rule expressed in Article 28 of the Vienna Convention or in its negotiating history.”³⁰

13) Can The Armenian Reparation Claim Before The International Criminal Court Be Pursued Through The “Advisory Opinion” Proceedings?

A request for such an advisory opinion could be made by the UN Security Council or the General Assembly.

Under present circumstances, it seems highly unlikely that a majority of 9 members of the Security Council will take the risk of opening “the Pandora’s Box”, because such step would possibly trigger an unprecedented avalanche of other political moves (for example: the Soviet possibly genocidal acts in

29 When US President Harry S. Truman submitted the Genocide Convention to the US Senate for advice and consent on 16 June 1949, he pointed out that Article IX of the Convention, which speaks of the responsibility of a state for Genocide, shall not be understood as meaning that the state can be held liable for damages for injuries inflicted by it on its own nationals. See: Nehemiah Robinson, *The Genocide Convention. A Commentary* (New York: Institute of Jewish Affairs, World Jewish Congress, 1960), 102-103.

30 1969 Vienna Convention of the Law of Treaties – Article 28: Non-Retroactivity of Treaties: “Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.”

Eastern Europe; German actions in Luxemburg, Alsace-Lorraine, or Slovenia etc.)³¹

The act of bringing the 1915 events before the International Court of Justice a century after the tragic events, by way of an advisory opinion, would set a precedent for other historical events. That is why it seems highly unlikely that Armenia could master the necessary majority in the General Assembly for submitting such request to the ICJ. That is the reason why until now, the Government of Armenia has not taken the risk of bringing the matter to the UN.

14) What Are The Chances Of Success Of Any Armenian Reparation Claims Before The International Court Of Justice, The United Nations Treaty Bodies Or The European Court Of Human Rights?

The chances of success of any Armenian reparation claims before the International Court Of Justice, the UN Treaty bodies, or the European Court of Human Rights are almost non-existent under existing international law.³²

There are insurmountable procedural obstacles for such claims. Even if those obstacles could be surmounted, Turkey could not be held responsible for any material or moral injury resulting from the 1915 events and the following years, as the conduct of the Ottoman State did not violate any obligations under the rules of customary international law applicable at the time³³

With regards to cases that may be brought before the US (or other country) courts, even if some lower level tribunals in the US assume jurisdiction under the Foreign Sovereign Immunities Act over Armenian property claims, such jurisdiction would not be in conformity with current customary international law on Immunity of the State and would expected to be invalidated by the higher US courts (for the details, see my previous articles on the subject³⁴ and the recent article written by Aslan Yavuz Şir³⁵).

31 Anton Weiss-Wendt, "Hostage of Politics: Raphael Lemkin on 'Soviet Genocide'," *Journal on Genocide Research* 7, no. 4 (December 2005): 551-559. See also: Tal Buenos, "The Many Genocides Of Raphael Lemkin," *Daily Sabah*, September 11, 2014, <https://www.dailysabah.com/opinion/2014/09/11/the-many-genocides-of-raphael-lemkin> ; Tal Buenos, "The Lemkin Hole in the Swiss Case," *Daily Sabah*, August 1, 2014, <https://www.dailysabah.com/opinion/2014/08/01/the-lemkin-hole-in-the-swiss-case>

32 Pulat Tacar, "Ermenistan Birleşmiş Milletler Genel Kuruluna Başvurusun ve Uluslararası Adalet Divanı'nda Türkiye Aleyhine Dava Açsın," *Ermeni Araştırmaları*, No. 36 (2010).

33 Unpublished legal opinion by Professor Dr. Stefan Talmon.

34 Pulat Tacar, "Türkiye'ye Karşı Hukuk Savaşı: Ermeni Asıllı ABD Vatandaşlarının ABD Mahkemelerinde Türkiye Cumhuriyeti'ne, Türkiye Cumhuriyeti Merkez Bankası'na ve Ziraat Bankası'na Açtığı Davalar," *Ermeni Araştırmaları*, 10. Yıl Özel Sayısı, no. 37-38 (2010-2011).

35 Aslan Yavuz Şir, "Armenian Legal Attempts Are Futile," *Center for Eurasian Studies (AVİM)*, Commentary No: 2017/18, <https://avim.org.tr/en/Yorum/ARMENIAN-LEGAL-ATTEMPTS-ARE-FUTILE-1>

Any substantial ruling on such claims would be flawed because substantive claims on the legality of an expropriation under international law would have to be addressed not according to present day international law, but according to international law in force at the time the expropriation had occurred. International law did not in 1915 and does not even today regulate the confiscation of property by states of their own citizens

15) Attempts To Condemn Persons Rejecting The Armenian Genocide Accusation

Recently, we witnessed legal and juridical attempts to condemn persons who publicly reject the Armenian genocide allegations. The most known is the Dr. Doğu Perinçek vs. Switzerland case. The Swiss courts condemned Perinçek because he openly rejected the allegation of “Armenian Genocide” and called it “an international lie”. The European Court of Human Rights Grand Chamber annulled the decision of the Swiss courts and condemned the Swiss government.

On this occasion, the European Union’s Framework Decision of 28 November 2008 on Combatting Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Laws should also be mentioned. This Framework Decision foresees to “condemn denying or grossly trivialising crimes of genocide, crimes against humanity of war crimes”. The conditions attached to such condemnation are that the denial must be publicly carried out in a manner likely to incite violence or hatred against the groups or a member of the group defined by reference to race, colour, religion, descent or national or ethnic origin. Other forms of denial or rejection are not condemned and are protected as a freedom of opinion; for example, “to call the Armenian genocide allegation an international lie” is covered and protected by the European Human Rights Convention.

Equally, it must be added that to qualify the tragic events of 1915 “a genocidal act” is also covered and protected under the same umbrella of freedom of expression.

France has tried to amend its legislation enabling French courts to condemn those who reject the accusations of “Armenian Genocide”. The French Constitutional Council has annulled twice the laws in question enacted by the French Parliament.³⁶

36 Maxime Gauin, “Stopping the Censors: The Final Defeat of Armenian Nationalism at the French Constitutional Council in January 2017,” *Review of Armenian Studies*, no. 36 (2017).

16) Conclusions

The “Armenian Genocide” allegations will never be recognized by Turkey and by the great majority of the Turks. Historical and socio-political considerations must be added to legal justifications attached to this rejection.

On the other hand, the Turkish Government and the NGOs as well as the academia should try to better explain the reasons for their rejection to their partners.

I do not expect Armenians and or third parties who support Armenians’ genocide thesis to withdraw or retreat from the accusations of genocide; such accusations have become a dogma for them and retracting the accusations has become a taboo subject.³⁷

Some other governments, senates, parliaments or local assemblies that embrace the “Armenian Genocide” accusations (and here I am referring to the decision of the German Parliament or the position of the French Governments, as well as the action of the Swiss Government on the Perinçek-Switzerland case), although they must be well aware of the legal arguments surrounding the legal aspects of the crime of genocide. They qualify their recognition as a political act. They may have different political motives, influenced by either historical reasons or current interests - other than being somehow attached to the Armenian-Turkish controversy on this topic.

To their address, I want to quote the last sentence of an article we have written together with Maxime Gauin and published by the *European Journal of International Law*:³⁸

“ We are of the opinion that those who complain of an internationally wrongful act for which the Turkish Republic is responsible may be well advised to take their complaints to the relevant international institutions, like the UN, the ICJ, the Council of Europe or any other similar establishment, instead of making very questionable accusations.”

The above-mentioned final decisions of the European Court of Human Rights on the Perinçek vs. Switzerland case and the verdict of the International Court

37 For example, the Armenian Minister of Foreign Affairs Edward Nalbandian stated on 5 February 2018 that “the Armenian genocide is irreversible... It is obvious that the century-long denialist policy has failed... However, Turkey continues to stick to the stereotypes. Ankara does not shy away to distort not just the historic facts but the current realities, including by misrepresenting the rulings of the European Court of Human Rights.”

38 Pulat Tacar and Maxime Gauin, “State Identity, Continuity, and Responsibility: The Ottoman Empire, the Republic of Turkey and the Armenian Genocide: A Reply to Vahagn Avedian,” *European Journal of International Law* 23, no. 3 (2012): 821-835 ; For further writing on this point, also see; Tacar, “An Invitation to Truth, Transparency and Accountability...,” 135.

of Justice on Serbia/Croatia trial must be regarded as serious setbacks for the supporters of “Armenians Genocide” allegations. With regard to the political aspects of the issue, we are facing an “intractable conflict”³⁹ and this seems doomed to be a never-ending one.

39 On intractable conflicts see: Ebru Çoban Öztürk, “1915 Events, New Issues and Reconciliation Within the Framework of Persistence of Conflict and the Concept of Intractable Conflict,” *Review of Armenian Studies*, no. 36 (2017) ; Daniel Bar-Tal, “Sociopsychological Foundations of Intractable Conflicts,” *American Behavioral Scientists* 50, no. 11 (July 2007).

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MEASURES OF THE UN SECURITY COUNCIL AGAINST INTERNATIONAL TERRORISM AND GLOBALLY THREATENING ARMENIAN TERRORISM

(BM GÜVENLİK KONSEYİ'NİN ULUSLARARASI TERÖRLE MÜCADELE
ÖNLEMLERİ VE KÜRESEL TEHLİKE ARZ EDEN ERMENİ TERÖRİZMİ)

Ramila Bahlul DADASHOVA*

Abstract: *Although the United Nations adopted a range of conventions, decisions, and resolutions on combatting international terrorism, Armenia continues to carry out its actions that can be categorized as terrorism and ignores the resolutions of the global community adopted on this issue. As a result of support of terrorism in Armenia at a state level and impunity of these practices, Azerbaijanis and Turks have been exposed to Armenian terrorism and hundreds of thousands of Azerbaijanis have been expelled from their own lands. All the mentioned offences have been committed by Armenian terrorist groups against Azerbaijanis both inside and outside of the territory of Azerbaijan, also against the Mountain Jews in Guba region of Azerbaijan, against Georgians in Georgia, against Turks in Turkey and other countries at various times in history.*

The terroristic organizations such as Armenakan, Hunchak, Dashnaktsutyun, Nemesis (acted out by Dashnaktsutyun), the secret group of DRO and its secret detachments of DRO-8, DRO-88, DRO-888, DRO-

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8888, Democratic Front were committed to the purpose of breaking up Turkish states. Armenian Secret Freedom Army (ASOA), Armenian Secret Army for the Freedom of Armenia (ASALA), Geregong created by ASALA, Armenian Movement of Freedom (AOD), Armenian Freedom Front, Justice Commandos of the Armenian Genocide, the group of Revanchists of Armenian Genocide, Armenian Unity, Apostol tried to force the Turkish government to recognize the Armenian genocide allegations, committed terroristic acts against Turkish diplomats, public figures, intellectuals, and other innocent people in different parts of the world.

After the establishment the Republic of Armenia in historically Azerbaijani lands, the same problem was put forward by anti-Azerbaijan and anti-government provocation in Nagorno Karabakh, while the Republic of Armenia has led a purposely terroristic policy in this direction.

Keywords: international terrorism, Armenian terrorism, production of narcotics, Counter-Terrorism Committee, international convention, international law norms

Öz: Birleşmiş Milletler, uluslararası terörle mücadelede bir takım sözleşme, bildiri ve kararname yayımlamasına karşılık, Ermenistan, hâlâ dünya kamuoyu tarafından kabul görülen belgeleri görmezden gelerek terörizm olarak sınıflandırılabilir faaliyetlere devam etmektedir. Ermenistan'da terörizmin devlet düzeyinde desteklenmesi ve cezazsız kalmasının sonucu olarak tarih boyunca Azerbaycanlılar ve Türkler Ermeni terörüne maruz kalmış, yüzbinlerce Azerbaycanlı tarihi yurtlarından terör yoluyla kovulmuşlardır. Ermeni terör grupları Azerbaycan'da ve yurtdışında Azerbaycanlılara, Azerbaycan'ın Kuba ilçesinde yaşayan Dağ Yahudilerine, Gürcistan'da Gürcülere, Türkiye'de ve diğer ülkelerde Türklere ve diğer halklara karşı defalarca terör eylemleri gerçekleştirmiştir.

Armenakan, Hınçak, Taşnaksütyun, Taşnaksütyun partisinin faaliyetine karar verdiği Nemesis, gizli DRO terör örgütü ve onun DRO-8, DRO-88, DRO-888, DRO-8888 adlı gizli uzantıları, Demokratik Cephe terör örgütlerinin amaçları Türk devletlerini parçalamak olmuştur. Ermeni Soykırımı'nın İntikamcılar Grubu, Ermeni Gizli Özgürlük Ordusu (ASOA), Ermenistan'ın Özgürlüğü Üçünde Ermeni Gizli Ordusu (ASALA), ASALA tarafından kurulan Geregong, Ermeni Özgürlük Harekâtı (AOD), Ermeni Özgürlük Cephesi, Ermeni Soykırımı Adalet Komandoları, Ermeni Birliği, Apostol gibi Ermeni terör örgütlerinin amaçları Türk hükümetine Ermeni soykırım iddialarını tanımayaya zorlamaya çalışmak olmuştur. Listelenen terör örgütleri dünyanın çeşitli yerlerinde Türk devlet adamlarına, aydınlarına, diplomatlarına ve diğer suçsuz insanlara karşı terör eylemleri gerçekleştirmişler.

Measures of the UN Security Council Against International Terrorism and Globally Threatening Armenian Terrorism

Tarihi Azerbaycan toprakları üzerinde Ermenistan Cumhuriyeti kurulduktan sonra Dağlık Karabağ'da hükümet ve Azerbaycan karşıtı propagandayla söz konusu "sorun" da ortaya çıkmıştır. Ermenistan hükümeti düzeyinde bu doğrultuda kasıtlı politika uygulanmış ve bu uygulama halen devam etmektedir.

Anahtar kelimeler: uluslararası terör, Ermeni terörü, uyuşturucu üretimi, Terörle Mücadele Kurulu, uluslararası sözleşme, uluslararası hukuk kurallar

Introduction¹

It should be stated at the beginning that there is no international consensus on the definition of terrorism, which hampers international efforts to combat it.² Taking a look at the wording of a document listed at the website of the United Nations Office of Counter-Terrorism reveals the lack of consensus on this issue; “Definitions of ‘terrorism’ and ‘violent extremism’ are the prerogative of Member States and must be consistent with their obligations under international law, in particular international human rights law.”³

However, there are actions which are frequently associated with terrorism, such as: aggression, genocide, racism, illegal experiments upon people, torture, slavery, brigandage, piracy against sea vessels, hijacking of airplanes, the kidnapping of diplomats, civilian hostage taking, deliberate harming of the environment, and the violation of human rights. Terrorism is the deliberate use specific kinds of illegal violence. The purpose of terrorism is to create panic in public. Terrorism is not a security issue for the individual, it is also a matter of economic, psycho-social, political, and especially cultural dimensions.⁴

The threats and “modalities of terror” have been identified. These include eco-terrorism, narco-terrorism, agro-terrorism, biological, chemical and nuclear terrorism, cyber-terrorism, as well as suicide terrorism.⁵ The concept of environmental terrorism has been explained, in one conceptualization, as the threat of environmental destruction, in peace or wartime, designed to create fear over the ecological consequences of the act. Agro-terrorism may be considered to be poised between so-called bioterrorism and environmental terrorism. It has been described as deliberately introducing a disease agent into the food chain, including directly into livestock. Cyber-terrorism entails deliberately subjecting civilians to panic or fear through the use of disruptive cyber-attacks. The first type of attack is information attacks, where

1 Note to reader: Armenia’s aggressive policies towards its neighbors and its inclinations towards employing methods that may be deemed as terroristic are intertwined. It is for this reason that certain parts of this article inevitably bear resemblance to a previous article by this author published in the Review of Armenian Studies: Ramila Bahlul Dadashova, “The Factors Which Give Ground for the United Nations Security Council to Determine Armenia as an Aggressor State,” *Review of Armenian Studies (RAS)*, no. 35 (2017): 91-118.

2 Boaz Ganor, “MIA: An International Definition for Terrorism,” *The Arena - Diplomacy and Foreign Relations Magazine*, September 28, 2018, <https://www.eng.arenajournal.org.il/single-post/Ganor-Terrorism-ENG>

3 “Plan of Action to Prevent Violent Extremism, Report of the Secretary-General,” *United Nations General Assembly*, Document No: A/70/674, December 24, 2015, <https://undocs.org/en/A/70/674>

4 Seydali Ekici, “Küreselleşme ve Türkiye’de Narkoterör,” *ResearchGate* (Temmuz 2016): 7, https://www.researchgate.net/publication/304014144_Kuresellesme_ve_Turkiye'de_narkoteror

5 Sarah V. Marsden and Alex P. Schmid, “Typologies Of Terrorism And Political Violence,” in *The Routledge Handbook of Terrorism Research*, ed. Alex P. Schmid (London: Routledge, 2011), 188.

electronically stored information, or computer systems, are damaged, altered, or destroyed. Such attacks are considered the most common and are the subject of most analysis. The second type is described as infrastructure attacks which aim to impact upon computer hardware or programming. Finally, the use of cyber-communications can assist fundraising and the promotion of terrorism as a mode of waging conflict.⁶

Dutch researcher Willem Schinkel writes: “Terrorism is perpetrated by non-state actors, works ‘bottom up’ to create, from the outside, a shock in institutions that induces fear.”⁷ John Alan Cohan, the researcher at the University of California writes: “terrorism is the first form of violence that emerges when conflicts escalate, and for many, it is an efficient way of rectifying grievances.”⁸ Alexander Spencer, the researcher at the University of Munich writes: “Related to the religious motivation, many in the ‘new terrorism’ supporters point out that another of the main features of ‘new terrorism’ is the increasing willingness to use excessive indiscriminate violence.”⁹ Brian M. Jenkins, the American expert on terrorism and transportation security writes: “Apart from the problem of distinguishing it from guerrilla warfare, crime or mad serial killers, the well-known phrase ‘one man’s terrorist is another man’s freedom fighter’, is often used to highlight the problem of implying a moral judgment when classifying the term ‘terrorism’. If one identifies with the victim of the attack, then it is considered terrorism, but if one can identify with the perpetrator it is not.”¹⁰

As alluded to earlier in reference to the UN, with the lack of an international consensus, it is up to each country to define terrorism. In Turkey, terrorism is defined as follows at Article 1 of the Law on Fight Against Terrorism (No. 3713), dated 12 April 1991:

“Any criminal action conducted by one or more persons belonging to an organization with the aim of changing the attributes of the Republic as specified in the Constitution, the political, legal, social, secular or economic system, affecting the indivisible unity of the State with its territory and nation, jeopardizing the existence of the Turkish State and

6 Marsden and Schmid, “Typologies Of Terrorism And Political Violence...,” 188-189.

7 Willem Schinkel, “On The Concept Of Terrorism,” *Contemporary Political Theory* 8, no. 2 (May 2009): 183.

8 John Alan Cohan, “Necessity, Political Violence And Terrorism,” *Stetson Law Review* 35, no. 3 (Spring 2006), <https://www.stetson.edu/law/lawreview/media/necessity-political-violence-and-terrorism.pdf>

9 Alexander Spencer, “Questioning the Concept of ‘New Terrorism’,” *Peace Conflict & Development*, no. 8 (January 2006): 9, <https://epub.ub.uni-muenchen.de/13769/1/Feb%2006%20SPENCER%20version%202.pdf>

10 Spencer, “Questioning the Concept of ‘New Terrorism’...,” 2.

the Republic, enfeebling, destroying or seizing the State authority, eliminating basic rights and freedoms, threatening the internal and external security of the State, the public order or general health, is defined as terrorism.”¹¹

As an example of another country experiencing similar problems in defining terrorism, the United States Department of Defense has defined terrorism as follows:

“The calculated use of unlawful violence or the threat of violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.”¹²

Meanwhile, UN offers the following comments about terrorism:

“Terrorism is international. The command and control of terrorist groups, the recruitment, training, active operations and the target audience can all be located in different countries and so counter-terrorist measures will not be effective unless all nations cooperate in agreeing to the characteristics of terrorist groups and their activities. Agreement on a common definition would be a step towards universal cooperation in the prevention of terrorism.”¹³

The Merriam-Webster English-language dictionary can be used to provide another definition: “Terrorism (noun): the systematic use of terror especially as a means of coercion,”¹⁴ and “Terror (noun) - 4: violent or destructive acts (such as bombing) committed by groups in order to intimidate a population or government into granting their demands.”¹⁵

Since the earliest times in history, acts that can be defined as terrorism have threatened and continues to threaten societies and countries. This was true especially when hot wars were replaced by the Cold War and terrorism was

11 Law On Fight Against Terrorism Of Turkey, Act Nr. 3713 (1991, as amended: 1995, 1999, 2003, 2006, 2010).

12 Erik Männik, “Terrorism: Its Past, Present And Future Prospects,” *Kaitseväe Ühendatud Õppeasutused*, no. 12 (2009): 152, https://www.ksk.edu.ee/wp-content/uploads/2011/03/KVUOA_Toimetised_12-M%C3%A4nnik.pdf

13 Gregor Bruce, “Definition of Terrorism,” *Journal of Military and Veterans’ Health - A peer reviewed journal published by the Australasian Military Medicine Association* 21, no. 2 (May 2013): 27, <https://jmvh.org/wp-content/uploads/2013/05/JMVH-May-2013.pdf>

14 “Terrorism,” *Merriam-Webster*, accessed February 3, 2019, <https://www.merriam-webster.com/dictionary/terrorism>

15 “Terror,” *Merriam-Webster*, accessed February 3, 2019, <https://www.merriam-webster.com/dictionary/terror>

seen as the ideal method. In recent decades, terrorism has gained an international scale by spreading all over the world, which means that it not only individual countries that are threatened.

Observing its actions, it can be argued that Armenia, as a country, is supporting terrorism at a state level and, despite this, remains without punishment. Azerbaijanis and Turks have been exposed to Armenian terrorism throughout modern history. Thousands of Azerbaijani were expelled from their own lands by terror actions. Terrorist acts mentioned above have been repeatedly committed and are still being committed by Armenian terrorist groups against Azerbaijanis inside and outside of the territory of Azerbaijan, against the Mountain Jews in Guba, against Georgians in Georgia, against Turks inside and outside of Turkey, also against other nations in other countries.

Although the UN adopted a range of conventions, decisions, and resolutions on fighting against the international terrorism, which is one of the global problems violating human rights, Armenia continues its terrorist actions ignoring all the resolutions of the global community.

The UN Resolutions For Fighting Against The International Terrorism

The UN started improving its legal activity on this aspect in the 1990s considering international and national threat features of terrorism. In the UN General Assembly 1994 resolution of “Measures to stop the international terrorism” and in the 17 December 1996 resolution, it is described that the extremist terrorism creates a threat for state and its territorial integrity. The UN Security Council condemned international terrorism actions on the resolution number 1269 adopted on 19 October 1999, called the UN, all regional organizations, and states to fight against the international terror and to stop funding them.¹⁶ The Security Council adopted resolutions to call the world states against the international terror after commitment of the terrorist actions in New York, Washington, and Pennsylvania on 11 September 2001, and adopted some conventions about fighting against the funding the terrorist actions including resolution of 9 December 1999. The resolution number 1368 adopted on 12 September was the first of these resolutions.¹⁷ Previously, call for any state to avoid involvement in any terrorist acts of another state had

16 “Резюме доклада Генерального секретаря, При большей свободе: К развитию, безопасности и правам человека для всех,” *United Nations*, accessed February 3, 2019, <https://www.un.org/ru/events/pastevents/largerfreedom.shtml>

17 “Перечень резолюций Совета Безопасности принятых в 2001 году,” *United Nations*, accessed February 3, 2019, <https://www.un.org/securitycouncil/content/resolutions-0>

been reflected in the General Assembly October 1970 declaration¹⁸ and in the Security Council resolution number 1189 adopted on 13 August 1998.¹⁹

According to the UN Security Council Resolution Number 1373 adopted on 28 September 2001, Article 7 of this resolution indicates that all states have to take necessary actions against terrorists, stop the funding of terroristic organizations, conduct an operative information exchange among the relevant institutions of the countries (related to terroristic network, weapon sales, seizure of weapons of mass destruction) to prevent terrorism. In the resolution notifying the relation between international terrorism and transnational crimes such as illegal narcotics, weapons, dirty money laundering, nuclear, chemical and biological weapon sales, the Security Council called upon all states to fight against this global problem in a national, sub-regional, regional, and international level.

Based on the Resolution 1373, a Counter-Terrorism Committee was established by all members of the Security Council. Each state must report to this experts' organization about its fight against terrorism, control over borders, and prevention of the funding of terrorism.²⁰

In the session of the General Assembly held in 2001, all states were called upon for fighting against terrorism and join the international conventions and protocols of anti-terrorism. The Security Council again made a call towards states to avoid supporting terrorist acts in an active or passive way by its Resolution 1370 adopted on 12 November.²¹ It should be noted that since that time, no measure has been taken against terrorism despite its increased occurrence in many different countries.

Specifically focusing on the statements made by the UN Security Council - by reminding Article 19 of the Universal Declaration of Human Rights 1948, Article 3 and 19 of the 1966 International Covenant on Civil and Political Rights, the right of getting a shelter reflected on Article 14 of the Universal Declaration of Human Rights, the 1951 Refugee Convention and 1967 Protocol, it called upon all states for prohibiting the commitment of terrorist acts, to refuse giving shelter to anybody who had been informed to be guilty, and to report to Counter-Terrorism Committee.²²

18 “Декларация о принципах международного права, касающихся дружественных отношений и сотрудничества между государствами в соответствии с Уставом Организации Объединенных Наций,” Принята резолюцией 2625(XXV) Генеральной Ассамблеи ООН от 24 октября 1970 года, http://www.un.org/ru/documentes/decl_conv/declarations/intlaw_principles.shtml

19 “Перечень резолюций Совета Безопасности принятых в 1998 году,” *United Nations*, accessed February 3, 2019, <https://www.un.org/securitycouncil/content/resolutions-0>

20 “Перечень резолюций Совета Безопасности принятых в 2001 году.”

21 “Перечень резолюций Совета Безопасности принятых в 2001 году.”

22 “Перечень резолюций Совета Безопасности принятых в [1998, 2002, 2003, 2004, 2005, 2008] году,” *United Nations*, accessed February 3, 2019, <https://www.un.org/securitycouncil/content/resolutions-0>

Measures of the UN Security Council Against International Terrorism and Globally Threatening Armenian Terrorism

The Security Council assigned the below listed responsibilities to the Counter-Terrorism Committee: 1) Conduct dialogues with member states for execution of the current resolution, 2) Cooperate with member states on information exchange and following the right norms, 3) Report to the Security Council after 12 months about execution of the current resolution.²³

Besides the mentioned resolutions and decisions, 13 international conventions were adopted related to fighting against international terror within the UN. They are as listed below:

- Convention on offences and certain other acts committed on board aircraft, signed at Tokyo, on 63 (Tokyo convention)
- Convention for the Suppression of Unlawful Seizure of Aircraft on
- Convention for the suppression of unlawful acts against the safety of civil aviation (with Final Act of the International Conference on Air Law held under the auspices of the International Civil Aviation Organization at Montreal in September 1971 - Montreal convention)
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973)
- International Convention against the taking of hostages (1979)
- Convention on the Physical Protection of Nuclear Material (1980)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal,)
- Convention for the Suppression of Unlawful Acts of violence at sea against the Safety of Maritime Navigation (1988)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal,)
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)

23 “Перечень резолюций Совета Безопасности принятых в 2005 году.”

- International Convention for the Suppression of Terrorist Bombings (1997)
- International Convention for the Suppression of the Financing of Terrorism (1999)
- International Convention for the Suppression of Acts of Nuclear Terrorism (2005)

Despite all these conventions, not every state follows international norms and principles or complies with the official documents adopted by the world community. As a result of the support of terrorism at Armenia in a state level, which has been left without sanctions, staying Azerbaijanis and Turks have been exposed to Armenian terrorism and hundreds of thousands of Azerbaijanis have been expelled from their own lands.

Transnational Armenian Terrorism

Transnational Armenian terrorism has been analyzed in the works of foreign researchers. Austrian researcher E. Figl confirms that militant Armenian groups have always used terror as a method for achieving their targets.²⁴ The Dashnaks and the Hunchaks competed for the attention of Armenians in the same way. The Hunchaks stressed their socialist convictions whereas the Dashnaks put more emphasis on their nationalist views. Together, they produced the same fanatically distorted, national-socialist world view as other organizations with the same ideological persuasions. The Dashnaks later changed their name to “Hai Hegapokhakan Dashnaksutiu” - “Armenian Revolutionary Federation”. This name is still used by the Dashnaks today.²⁵ Since 1882, first the Ottoman State and then the Republic of Turkey have been the target of several waves of terrorism. Indirect aggression, in the form of terrorism continued via various phases of Armenian terrorism committed by the Armenian Secret Army for the Liberation of Armenia (ASALA) militants.²⁶

Russian researcher and lawyer Oleg Kusnetsov states that, from the perspective of Russian norms of crime law, 1988-1994 Karabakh war is a terroristic war merging different forms of terroristic crimes. The crime codex of Russia Federation considers below mentioned illegal actions: terrorist acts, hostage taking, forming illegal armed groups or being part of those groups,

24 Erich Feigl, *Armenian Mythomania - Armenian Extremism: Its Causes and Historical Context*, edition Zeitgeschichte (Salzburg: Freilassing, 2007), 70.

25 Feigl, *Armenian Mythomania...*, 71.

26 Feigl, *Armenian Mythomania...*, 124-129.

seizure of sea, air and railways, assassination of state or public figures, armed revolt, calls for implementation of extremist activity, attacks to internationally protected persons or enterprises.²⁷ The author notes that, the massive destruction of people and the harm inflicted to their livelihood Khodjali shows the execution of at least 3 actions: taking hostages, taking part in the illegal armed groups, and armed revolts. These actions confirm that the Khodjali events committed in 25-26 February 1992 as an act of international terror.²⁸

Kuznetsov mentions that Armenian terror started from Ottoman Empire at the end of 19th century and from there spread to Russia, the Balkan countries, and from there to Western Europe and North America.²⁹

The main aim of the Hunchak (Bell) party, which was founded on 1885 by Vand Avetist Nazarbekyan and other chauvinist Armenians with the symbol of bell, was to create “Great Armenia” by merging the Anadolu part of Turkey with the lands they called Russian and Iranian Armenia.³⁰ During 1890-1892 alone, the terroristic organization Hunchak killed 65,000 civilian Muslims (including Turks, and Kurds).³¹

The aim of Dashnaksutyun party founded in 1890 in Tbilisi was to create a “Great Armenia” in Azerbaijani lands of Nakhichevan and Nagorno-Karabakh and the Anadolu part of Turkey. The “Justice Commandos of the Armenian Genocide”, the secret terror group DRO (which took its name from Drastamat Kanayan (Dro)) and its divisions: DRO-8, DRO-88, DRO-888, DRO-8888 were established in 1980-1982 which assassinated Turkish diplomats in multiple countries.³² It is worth to mention that Dashnaksutyun party is currently acting in Armenia under the name of Armenian Revolutionary Federation.³³ The Dashnaksutyun party was founded by three Armenian nationalist - Rostom Zoryan, Simon Zavaryan and Christofor Mikayelyan. The leading staff of the Dashnaksutyun party and the names that are attributed national heroic status in Armenia are: Krisdapor Mikaelyan, Stepan Zoryan, Karekin Pastermadjian (Armen Garo), Antranik Ozanyan, and Drastamat Kanayan (Dro). These leaders carried out many atrocities in the Ottoman

27 О. Кузнецов, “Война в Карабахе – первая террористическая война в истории человечества,” *Qarabağ Dünən, Bugün və Sabah 16-cı elmi-əmali konfransın materialları* (Баку: QAT. 2017), 218.

28 Кузнецов, “Война в Карабахе – первая террористическая война в истории человечества...,” 218.

29 Кузнецов, “Война в Карабахе – первая террористическая война в истории человечества...,” 219.

30 “Преступления Армянских террористических и бандитских формирований против человечества (XIX-XXI вв.),” *Краткая хронологическая энциклопедия. Институт по правам человека Национальной Академии Наук Азербайджана* (Баку: Элм, 2002), 13.

31 “Преступления Армянских террористических и бандитских формирований...,” 7.

32 *Ermənistan Respublikası (məlumat-sorğu kitabçası)* - “Bölgə” silsiləsindən 1 buraxılış (Баку: Qafqaz Etno-siyasi Araşdırmalar Mərkəzi, 2006).

33 *Ermənistan Respublikası (məlumat-sorğu kitabçası)*...

Empire between 1892-1920 years.³⁴ The aim of the Dashnaks was to establish an Armenian state in the east of Ottoman Empire by armed revolt and force.

The first generation of Armenian terror covers the period between 1882 and 1909. Armenian secret organizations (Black Cross, Homeland Defenders) and political parties (Armenakan Party, Hunchak Party, The Armenian Revolutionary Federation/Dashnaktsutyun Party) had been active in this period.³⁵ The most famous terrorist act of Dashnaks in the 19th century was the attack on the Ottoman Bank on 26 August 1896. The purpose of the attack was to direct European countries and Russia to interfere in the internal conflicts in the Ottoman Empire. In the 19th century, the Ottoman Bank was the leading financial institution in the Ottoman Empire. It played an especially important role in the construction of the railroads and industries of the time. On 26 August 1896, Armenian terrorists raided the Ottoman Bank, taking hostages in the process. This was the sad culmination of a year which had already seen more than its share of violence. This time, the operation was masterminded by the Dashnaktsutyun Party. They saw this spectacular raid as a chance to catch up with their competition, Hunchak Party, which was responsible for almost all the other acts of terrorism in 1896.³⁶

The second generation of Armenian terror covers the years between 1914-1922 years. During the First World War, Russia took the advantage of the contribution of the Armenian armed organizations in order to possess Istanbul, the Turkish straits around it, Eastern Anadolu, to weaken the Ottoman Empire, to strengthen itself in the Southern Caucasus, and organized the rebellion of the Armenians living in the Ottoman Empire against the government. Russian ruling circles put forward the Armenian matter in order to take advantage of them. Armenians involved in the war to create their own government by obtaining the territory including Van, Bitlis, Tigranakert, Arzurum, Kharberd and Sebastya, as well as Cilicia from the Ottoman Empire to solve their Armenian problem. E. Figle writes: The superpowers of the time - England, Russia and France - wanted to weaken the Ottoman Empire, and they used the Armenians callously toward this end.³⁷ The organizations of Hunchak and Dashnaktsutyun actively participated in creating the Armenian armed detachments. Dashnaks mobilized 40,000 people to wreak havoc on the Turkish people. They established tens of humbas. The armed workers detachments were commanded by Andranic Ozanyan, Dro, Amazasp, Keri,

34 C. Bülent, "Sözde Ermeni 'Milli Kahramanları'nın Osmanlı Devletindeki Terör Eylemlerine Etkileri," *Akademik Bakış – Uluslararası Hakemli Sosyal Bilimler E-Dergisi*, no. 51 (Eylül – Ekim 2015): 241, <http://www.akademikbakis.org>

35 Sadi Çaycı, "Terrorism And Asymmetric Threat: Activities Against Turkey, From The Beginning Of The 20th Century To The Present," *Review of Armenian Studies (RAS)*, no. 18 (2008): 93-94.

36 Feigl, *Armenian Mythomania...*, 74.

37 Feigl, *Armenian Mythomania...*, 39.

Checho, and Vardan. The Armenian armed detachments, which were supposed to move in 4 directions, were to act in the directions where the Armenian people were densely populated. These 4 armed detachments fought against the Ottoman Empire and its civilian population in all important combat operations from Sarigamish to Arzurum.³⁸

Meanwhile, Armenian special drujinas formed to act in Iran-Bashkala-Van (first detachment), Igdır-Bayazid-Bepkri-Van (second detachment), Kagizman-Alaşkerert-Manazkert-Bitlis (third detachment), and Sarigamiş-Kars-Orzan-Kepri-Key-Erzurum directions (fourth detachment) were to operate in the densely Armenian populated areas and organize the rebellion of the local population against the Ottoman government.³⁹ In this sense, Russia voiced the “problem of Armenia” to use Armenians for its own ends. Western researcher George de Malevil showed in his research that in the early May 1915 when the Russian army entered Van, there was no Muslim left in the city.⁴⁰ The Armenian violence against the Muslim population in Van continued in 1916 as well. 2.5 million Turks and Muslims were killed by Armenian terrorists in the region in 1915-1918 years.⁴¹

From 31 March 1918, Dashnaksutiun party under the chairmanship of Stepan Shaumyan, a member of the Baku Committee, jointly with the Army of the Baku Commune, committed grave massacres against the Muslim population in Baku and in many regions of Azerbaijan. Based on the documents of the investigation commission, approximately 11,000 Azerbaijanis were killed in Baku in March 1918. Bodies of many people were missing; according to witnesses’ testimonies, The Armenian aggressors threw corpses into burning houses, the sea, and wells to cover up the crimes.⁴² Under the leadership of Dashnak A. Mikoyan, the hospital in Icherisheher (where wounded were hospitalized) was set on fire. Nearly 2000 patients were burned to death and those who tried to run were shot. A. Amiryan wrote that 200 Azerbaijani villages were destroyed by Dashnaks only in the Iravan province.⁴³

In early March, information leaked out that Armenian detachments of approximately 3000 soldiers armed with rifles and machine guns arrived in Shamakhi from Baku. The Armenian-perpetrated violence in Shamakhi continued for several days. A scrutiny confirms that both Armenian attacks on

38 А.О. Арутюнян, *Кавказский фронт. 1914—1917 гг.* (Ереван: Айастан, 1971), 298.

39 Арутюнян, *Кавказский фронт. 1914—1917 гг.*....., 299.

40 Малевил де Жорж, *Армянская трагедия 1915 года* (Баку: изд.Элм, 1990), 45, 85.

41 İ.M. Musayev, *Azərbaycanın Naxçıvan və Zəngəzur bölgələrində siyasi vəziyyət və xarici dövlətlərin siyasəti* (Bakı: Bakı Universiteti nəşriyyatı, 1996), 48.

42 Anar İsgenderli, *Realities of Azerbaijan: 1917-1920* (Xlibris Corporation, 2011), 79.

43 *Бакинский Рабочий*, no. 53 (May 28, 1918).

Shamakhi were based on detailed plans elaborated by the Dashnaks. The raids were led by Stepan Lalayev, Gavril Karaoglanov, Arshak Gulgangian, Mikael Arzumanov, Karapet Karamanov, Sedrak Vlasov, Samvel Doliev, the Petrosiants, the Ivanovs (father and son), Barber Avanesov, Agamalov from Shusha, and others. Pursuant to the investigation materials, the Armenians killed 8,027 people in 53 villages of Shamakhi, including 4190 men, 2560 women, and 1277 children; the gross total amount of damages in these villages was 339.5 million manats in then-year values.⁴⁴

The tragedy in Guba was foreshadowed by extensive advance preparations by the Dashnaks. More than 16,000 people were killed in total by Amazasp's gang in Guba during the first five months of 1918. According to different sources and witnesses' testimonies, the death toll included approximately 12,000 Lezghins and over 4000 Azerbaijani Turks and Muslim Tats. 2000 people were murdered in Lankaran. The casualties suffered by Azerbaijanis in Zangezur uyezd are laid out in the commission's papers: 3257 men, 2276 women, and 2196 children were murdered, and 1060 men, 794 women, and 485 children were injured in 115 villages. The total casualties in Zangezur alone summed up to 10068 people. In August 1918, the massacres of the Azerbaijanis in the Iğdir and the Eçmiedzin uyezds were arranged under the command of General Dro (Drastamat Kanayan). By his order, more than 60 Muslim villages were destroyed and burned down. One of the numerous appeals of the Azerbaijanis of Erivan mentioned that 88 villages were destroyed, 1920 households were burned down, and 132,000 Azerbaijanis were killed in Erivan—the historically native province for Azerbaijanis—over a period of several months.⁴⁵ The massacres of the Muslim population in 1918-20 thus proved to be a policy of systemic massacres and destruction deliberately planned and executed by the Dashnaktsutium toward the establishment of Great Armenia.

Urmia, Khoy, Tebriz, Selmas, and other provinces of South Azerbaijan witnessed terrible crimes committed by Armenian and Aisor gangs. In one disturbing instance, Armenian aggressors killed 1,500 Azerbaijanis in one night. After the declaration of independence of the Armenian Republic in May 1918, the Dashnak leader, Andranik, with 5000 troops, attacked Khoy. At that time, Khoy was one of the liveliest cities of South Azerbaijan. In those tragic days, the Ottoman army rendered support to the Azerbaijani people and rescued them. The involvement of the Ottoman forces in South Azerbaijan prevented the slaughter of thousands of people. Defeated in Khoy, the Dashnak and the Aisor units prepared for a decisive attack on Urmia. The well-trained unit of 180 gunmen was to land and suddenly invade the city.

44 Isgenderli, *Realities of Azerbaijan: 1917-1920...*, 107-112.

45 Isgenderli, *Realities of Azerbaijan: 1917-1920...*, 119-130.

Upon landing, the gang encountered the resistance of Turks and Azerbaijanis and was defeated, resulting in failure of the Armenian plan to capture Urmia.⁴⁶ The Dashnaksutyun Party, which continues to exist in today's Republic of Armenia, continues its thoughts and actions in the same line. Mentioning that the Karabakh problem is being used for their own ambitions in the internal policy in Armenia, Aqasi Enokyan states: "Armenian Revolutionary Federation – nationalists-socialists from Dashnaksutyun consider merging all Armenian lands and the punishment of all historical enemies of Armenian people. The only goal of the foreign policy of Dashnaksutyun can be to attain of historical justice and return all the Armenian lands. Negotiations can be possible by force only, and no compromise can be made."⁴⁷

ASALA – Armenian Freedom Armenian Secret Army founded by Akopyan in Beyrut in 1975, ASOA- Armenian Secret Freedom Army, the Revanchist Group of "Armenian Genocide" founded in 1973 and other terrorist organizations killed more than 50 Turkish citizens, especially councils, diplomats, and their relatives starting from 1975 onwards.⁴⁸ The ORLI group, funded by young Armenians living in France on 1981 committed more than 10 terrorist acts in different airports of the world until 1987.⁴⁹

Erik Figle lists 34 Turkish diplomats acting in different Europe countries killed by Armenians between 1973-1994 in his work devoted to his best friend Erdogan Ozen's memory, who was tragically murdered by ASOA in 1984.⁵⁰ In 1980, ASALA got agreement with PKK (considered a terrorist organization by Turkey, NATO, and the EU) for commitment of terrorist acts together and in 1993 declared that they will not allow the project of "Panturkist oil pipeline" (Baku-Tbilisi-Ceyhan) to be implemented.⁵¹ Francis Highland - American researcher of the Armenian terror- in his book titled "Armenian Terror –Today and in the Future" writes that, the near term goal of transnational Armenian terror was to act not in the Republic of Turkey as it was in 1970-1980, but it to act in the USSR. The epicenter of the Armenian nationalists' terroristic activity would be Azerbaijan's Nagorno-Karabakh region where Armenian population was revolting against the Muslim community who were allegedly displacing them.⁵²

46 Isgenderli, *Realities of Azerbaijan: 1917-1920...*, 133-136.

47 А. Енокян, "Армения: противоречивые подходы к урегулированию Карабахского конфликта," *Центральная Азия и Кавказ*, no. 1 (2002): 116.

48 Т.В. Qaffarov, *Azərbaycan Respublikası 1991-2001* (Bakı: Tural-Ə, 2001), 14.

49 "23.02.2017-ci il tarixinə olan məlumat. Ermənistan-Azərbaycan, Dağlıq Qarabağ münaqişəsi nəticəsində itkin düşmüş, əsir-girov götürülmüş, həmçinin azad edilmiş şəxslərlə bağlı statistik məlumatlar," *Əsir və itkin düşmüş, girov götürülmüş vətəndaşlarla əlaqədar Dövlət Komissiyası*, <http://www.human.gov.az>

50 Feigl, *Armenian Mythomania...*, 1-2.

51 *Erməni terror/Armenian terror/Армянский террор* (Bakı: Vətən, 2005), 139.

52 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества..." 220.

The goal of Geqaron organization founded by ASALA in 2001 is to commit terrorist acts against Turkish origin political leaders, diplomats, businessmen in the Southern Caucasus and Middle Asia regions. Armenian freedom organization – AOD founded in France in 1991 executes its terrorist acts in a close cooperation with ASALA. Armenian Freedom Front, which is considered to be a part of the ASALA and founded in 1979, prepares terrorists against Turkey and Azerbaijan.⁵³ The goal of the “Justice Commandos of the Armenian Genocide” -founded in the 1972 Congress of Dashnaksutyun party- was to put together the Armenian origin Lebanon young citizens in the military groups and execute bloody terrorist acts against Turks and Azerbaijanis.⁵⁴

Young Armenians Union was formed at France in 1990 to engage in the kidnapping of diplomats.

In 9 June 1991, a group was founded to attempt to release the Armenian military terrorists from prison in Sweden.⁵⁵ The Sweden group, acting in many European countries took the accountability of 4 terrorist acts committed in France, Italy, and Greek.

The main goal of Democratic Front acting in the US, Canada, and the Western Europe is to break up the government of Turkey.⁵⁶

A suicide squadron was founded in 1991 and was involved in occupation of Turkish embassy in France in the same year. Four members of the group, as well as the former leader of the group Yan Kashkayan were arrested. Currently, the group is led by Vashgen Sakasaslenyan.

Armenian Unity Organization founded in Moscow in 1988 also closely cooperates with ASALA.⁵⁷ The organization provides the former Soviet region terrorists with fake passports for their activity and takes part in passing weapons hired soldiers to the Nagorno-Karabakh.⁵⁸

The goal of Apostol organization formed on 29 April 2001 by the then Armenian Minister of Defence, which comprises of mainly Armenia, Syria and Lebanon citizens, is to conduct terrorist acts in Azerbaijani and Turkey regions⁵⁹.

53 “23.02.2017-ci il tarixinə olan məlumat...”

54 “23.02.2017-ci il tarixinə olan məlumat...”

55 “23.02.2017-ci il tarixinə olan məlumat...”

56 “23.02.2017-ci il tarixinə olan məlumat...”

57 “23.02.2017-ci il tarixinə olan məlumat...”

58 “23.02.2017-ci il tarixinə olan məlumat...”

59 “23.02.2017-ci il tarixinə olan məlumat...”

Karabakh Anti-Azerbaijan Committee directed by former President of Armenia Levon Ter-Petrosyan developed separatist movement among the Armenian population in Karabakh region of Azerbaijan. As a result, the Azerbaijani population was expelled from Armenia by force of armed groups and massive terrorist acts were committed in Nagorno-Karabakh by taking advantage of Armenian origin of anti-Azerbaijan, anti-government citizens. Within the last 10 years of 20th century, 4 terrorist acts have been committed only in transportation by Armenian terrorists in Azerbaijan where 68 people were murdered, 132 were wounded. 8 terrorist acts have been committed in freight and passenger trains, 14 people were murdered and 125 were wounded. 3 terrorist acts were committed in the Baku metro, tens of people were murdered and hundreds of them were wounded. 3 terrorist acts were committed in the air transport and 104 people were murdered.

In the terrorist act committed in Krasnovodsk-Baku passenger sea ship, 25 people were murdered and 88 were heavily wounded. Armenian groups committed 337 terrorist acts in civilian objects and settlements, and 881 people murdered while 1239 were wounded. 8 terrorist acts were committed against the government and civilian facilities, 10 people were murdered, 30 people were wounded. Azerbaijani economy was exposed to massive loss as a result of such attacks. The tragic results of Armenian terror were reflected in the book of “Armenian Crimes (Based on Documents)” by the Ministry of National Security of the Republic of Azerbaijan.⁶⁰ Armenian terrorist acts against Azerbaijan people and constitutional order, provocations, armed separatism and military aggression acts were reflected in the book titled “Nagorno-Karabakh – Chronology of the Events (1988-1994)” by the Ministry of Internal Affairs of Azerbaijan in detail.⁶¹

As stated earlier, according to Oleg Kuznetsov, the Nagorno-Karabakh war was the first terroristic war. Armenian terrorists commanded detachments in Karabakh. The first of these was Mens Murad detachment that was fighting in Mardakert led by Livian Armenian citizen Gevork Gozelyan. 200 foreign citizens and 50 Armenian citizens were in the detachment.⁶² The second detachment was Arabo, created in 1989 in Erevan by initiative of Dashnaktsutyun party under leadership of Livian citizen Manvel Egizeryan. It was comprised of Syrian and Livian citizens. This detachment actively participated in Khojaly massacre.⁶³ On 28 July 1992, the Arabo detachment was sieged by Azerbaijani national army detachments near Askaran and 166

60 Azərbaycan Respublikası Milli Təhlükəsizlik Nazirliyi. I c., *Erməni cinayətləri (sənədlər əsasında)* (Bakı: Vətən, 2004), 128-159.

61 Azərbaycan Respublikası Daxili İşlər Nazirliyi, *Dağlıq Qarabağ: hadisələrin xronikası (1988-1994-cü illər)* (Bakı: Vətən, 2005).

62 Кузнецов, “Война в Карабахе – первая террористическая война в истории человечества...,” 223.

63 Кузнецов, “Война в Карабахе – первая террористическая война в истории человечества...,” 223.

terrorists were killed. Although M. Egezaryan was able to flee to Erevan, he was killed there under unknown circumstances.⁶⁴ Another armed detachment was formed to fight in Shusha under command of Beirut Armenian Jirair Sefilyan. He merged with opposition in Armenia, and in 2006 he tried to instigate an armed revolt and he was arrested on 10 December together with Vardan Malxasyan.⁶⁵

Apart from militant Armenian groups sheltered by Armenia who frequently resorted to terroristic attacks, Armenia itself committed grave acts even against to peacekeeper missions, diplomats, and journalists, which may be categorized as terrorism. For example, the S-130 Hercules Iran airplane was shot down by Armenia over Khankendi on 18 March 1994 flying from Moscow to Tehran. In this act of terror, 32 people were killed, including 7 of Iran's Russia embassy members, women, and men. The special commission created by the Islamic Republic of Iran to investigate this incident confirmed that the crime had been committed by Armenia. Azerbaijan condemned the terrorist act and declared that murdering the peacekeeper missions, journalists was an international crime. The Ministry of Foreign Affairs of Iran made a declaration that Armenia was responsible for the incident committed in Khankendi. The media secretary of Armenian Presidential Office L. Zurabyan in his speech officially declared that the Ministry of Foreign Affairs of Iran had made the declaration earlier than needed and that this declaration was made before the investigation of the tragedy by Iran government and Commonwealth of Independent States was completed.⁶⁶ The Ministry of Foreign Affairs of Azerbaijan recognized this declaration of Armenia as an attempt to spread disinformation in the world community.

Lastly, according to the 1979 international convention about combatting hostage taking, taking people hostages is also a kind of international terrorism crime. Armenia does not treat its hostages and captives according to the requirements of Geneva Conventions of 12 August 1949 about the defense of war victims. Per numerous reports, most of the hostages are kept in private houses or the military units where they were taken captive. Armenia continues taking military servants and civilian people as captives and applies torture on them even after 12 May 1994 ceasefire agreement.⁶⁷

64 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества...", 224.

65 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества...", 224.

66 "Письмо представителя Азербайджана от 31 марта 1994 года на имя Генерального секретаря, Документ S/1994/377, Совет Безопасности. Официальные отчеты сорок девятый год дополнение за январь, февраль, март 1994 года," (Организация Объединенных Наций, Нью-Йорк, 1997), 3.

67 "BQXK əməkdaşları Dilqəm Əsgərov və Şahbaz Quliyevlə görüşüblər," *Kaspi.az*, November 3, 2016, <http://kaspi.az/az/bqxc-emekdaslari-dilqem-esgerov-ve-sahbaz-quliyevle-grusubler/pages/q.pdf>

Armenian State Apparatus Gathers Terrorists Around It

S. Sarkisyan administration of Armenia (at the time of the initial submission of this article) continues terrorist acts against Azerbaijanis in Armenia controlled lands at the state level, as did R. Kocharyan – who worked in administrative positions for the separatist organizations in the occupied lands of Azerbaijan, oversaw the expulsion of more than 1 million Azerbaijani citizens from Khankendi and other settlements by force, the murdering of thousands of people, and provided Armenian aggressors with the necessary equipment and provisions. The Occupation of Zangilan and Jabrail was organized by R. Kocharyan, S. Sarkisyan, S. Ohanyan, S. Babayan, A. Qukosyan.⁶⁸ However, R. Kocharyan's (1999-2007) and then S. Sarkisyan's being president of Armenia, who were involved in killing of thousands of people and the expulsion of countless more, has disturbingly not been made the subject of international courts. S. Ohanyan is currently Minister of Defense of Armenia. S. Sarkisyan, who was elected the President of Armenia on February 2008 had started his career as a chief of the fictitious "Nagorno-Karabakh Republic Self-Defense Force Committee". In 1993, he was the Minister of Defense of Armenia and then its Prime Minister. Oleg Kuznetsov comes to the conclusion of his investigations into Armenian terrorism and states that the main responsibility of Khojaly massacre as well as Nagorno-Karabakh war was lays with President S. Sarkisyan. The commander of two battalions of 366th detachment which committed Khojaly massacre, Seyran Oganyan, was assigned a commander for fictitious "Nagorno-Karabakh Republic Defense Army" and Minister of Defence of the Armenian Republic between 2008-2016, then got the title of colonel-general despite his committing crimes. These facts show that separatist Armenian groups in Nagorno-Karabakh region are still acting in Armenian armed forces. The Armenian administration accepts them as heroes and assign them to the high positions in power.⁶⁹ The Deputy of the Minister of Internal Affairs of Armenia Levon Eranosyan actively participated in battles of Nagorno-Karabakh, and on 2013, he got the title of lieutenant general. This individual who openly engaged in terrorism was ironically assigned as the Chief of the Department of Fighting against Terrorism in Armenia.⁷⁰

Conducting the investigation about Armenian terrorism, Kuznetsov concludes that the separatist, fictitious Armenian organization in Nagorno-Karabakh is mainly funded by Armenia.⁷¹ The first president of this organization from

68 *Erməni cinayətləri (sənədlər əsasında)*..., 128-129.

69 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества...", 225-226.

70 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества...", 227-228.

71 Кузнецов, "Война в Карабахе – первая террористическая война в истории человечества...", 230.

1994 to 1997, Robert Kocharyan, later on became the Prime Minister of Armenia. Later, he was elected as the President of Armenia from 1998 to 2008. As such, the de jure administrative organs of Armenia became de facto under the control of the fictional Nagorno-Karabakh Republic.⁷² These individuals, who have been demonstrated to have engaged in terrorism, are being rewarded by Armenian state apparatus and are being assigned to official positions.⁷³ As such, the Armenian state apparatus has gathered terrorists around it.⁷⁴

Vagan Oganesyanyan, who was arrested in 1996 for his activity in Dro terrorist organization was released from prison by the initiative of R. Kocharyan and was assigned the consultant of the President of Armenia. Davidyan and Melkonyan, former ASALA terrorists who actively participated in the terroristic explosions in 20 Yanvar, 28 May-Ganjlik and Ulduz-Nariman Narimanov metro stations of Baku were assigned as desert commanders by Kocharyan. Besides giving the national hero honor name to Armenian terrorist Melkonyan, who was killed during occupation of Khojavend, after his death, his name was given to one of the diversion centers of the Ministry of Defense. Ayriyon Arkadi Abramovich and Samvel Babayan were arrested for committing the terrorist act in 11 July 1990 to the passenger bus and household goods conveyor cars, resulting in the of killing peaceful civilians. Despite their arrest, Samvel Babayan was exchanged with Azerbaijani captives and hostages on July 1992 and became the Minister of Defense of the fictional Nagorno-Karabakh Republic between 1993-1999.

Based on the aggression that Azerbaijan and Azerbaijani people were subjected to, it can be discerned that separatism was the main factor behind the terrorism instigated by militant Armenian groups and Armenia. Former President of Azerbaijan H. Aliyev, in his meeting with the OSCE Minsk group US co-chair Rudolf Perina on 28 October 2001, made the following observation: “The reason why terrorism occurs is aggressor separatism. The aggressor separatism is almost certainly the origin of terrorism. But unfortunately, this root cause was not properly assessed in time...”⁷⁵ So, gathering from the painful experiences of Azerbaijan, one of the main ways to prevent terrorism is to combat separatism.

72 *Сборник документов ООН по армяно-азербайджанскому нагорно-карабахскому конфликту* (Баку: Министерство Иностранных Дел, 2009), 138.

73 *Сборник документов ООН...*, 139.

74 Dadashova, “The Factors Which Give Ground...,” 98-100.

75 H.Ə. Əliyev, *Müstəqilliyimiz əbədidir: 46 kitabda*, 36-cı kitab (Bakı: Azərnaşr, 2011), 406.

Armenia's Activity On Production Of Narcotics In Nagorno-Karabakh

As we said above, narco-terrorism is one of the types of terrorism.⁷⁶ Drug traffickers, who form crime organizations, are involved in this illegal activity for personal gain, while terrorist organizations use the drug trade to obtain the money they need to carry out terrorist acts. For this reason, drug trafficking is increasingly preferred by terrorist organizations as a source of financing.⁷⁷ Since the Nagorno-Karabakh region and its surrounding territory is under occupation of Armed Forces of Armenia, and thus under the effective control of Armenia,⁷⁸ Azerbaijan cannot have control over this lands and Armenia uses it as per its own will.

After the occupation of the Nagorno-Karabakh region by Armenia, narcotics began to be produced there and its profit has been used to fund terroristic organizations. The US Department of State mentioned these facts in its report of "International Narcotics Control Strategy Report" on March 2001. Profit gained from the drug business was directed to maintaining the occupied lands under control and hired soldiers. These facts have been reflected in the relevant report of the Parliamentary Assembly of the Council of Europe as well.⁷⁹ No official response was received after Azerbaijan sent the document to the UN and this issue has not been discussed in the UN. The UN Office on Drugs and Crime, the UN International Drug Control Programme must take the necessary measures against the narcotic activity of Armenian elements in the Nagorno-Karabakh region.

When the President of Azerbaijan Ilham Aliyev, in his meeting with the Deputy of the UN General-Secretary and the Executive Director of the UN Office on Drugs and Crime Antonio Mria Costa on December 2003 suggested to conduct monitoring on the occupied lands of Azerbaijan, the representative mentioned that he wanted to get the agreement of Armenia for doing that as well.⁸⁰ In this case, Aliyev stated:

"Nagorno-Karabakh and other occupied surrounding regions are lands of Azerbaijan. But these lands are now in the control of another state. That's why I consider that pressure of the international community, UN

76 Marsden and Schmid, "Typologies Of Terrorism And Political Violence...", 188.

77 Ekici, *Küreselleşme ve Türkiye'de Narkoterör*, 9.

78 "Information Note on the Court's case-law 186 - June 2015 - Chiragov and Others v. Armenia [GC] - 13216/05 - Judgment 16.6.2015 [GC]," *European Court of Human Rights*, June 2015, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22002-10619%22%5D%7D>

79 "Письмо представителя Азербайджана при Организации Объединенных Наций от 28 февраля 2005 года на имя Генерального Секретаря Приложение1письму космические снимки оккупированных территорий Азербайджанской Республики," *Diplomatiya Alami Jurnalı*, no. 10 (2005): 110.

80 İ.H. Əliyev, *İnkışaf – məqsədimizdir: 18 kitabda*, 2-ci kitab (Bakı: Azərənşər, 2009), 145-146.

and other organizations must make Armenia to allow international auditors and monitoring groups to those uncontrolled lands and the necessary monitoring to be conducted on this region. Because these uncontrolled lands create threat for all the region. We have got information that terroristic camps are being settled there and international terroristic organizations are conducting trainings there.”⁸¹

According to the investigations of Rovshan Novruzoglu in the book titled “Karabakh: Uncontrolled Zone,” Armenian and Iran dealers are engaged in narco-business in the occupied Azerbaijan territories.⁸² Novruzoglu, investigating “Evkrapa” terror group’s activity in Karabakh, came to conclusion that this group has joined the Astana (Kazakhstan) group of narco-business. As a result of this, 93% of heroin, 85% of poppy, 78% of hash transferred to Russian Federation passes through Kazakhstan via the connections in Nagorno-Karabakh.⁸³

Resolving Regional Conflicts As One Of The Measures To Prevent International Terrorism

Resolving regional conflicts is one of the measures to prevent international terrorism. Azerbaijan’s experiences indicated that terrorism and separatism are often closely linked phenomena. It is no coincidence that, former Secretary-General of the UN Kofi Annan also put in the front plan of the UN the resolution of regional conflicts within the UN framework to prevent international terrorism.⁸⁴ President Aliyev, in his speech on 58th session of the UN General Assembly on 24 September 2003, stressed the activity of Armenian terroristic groups at occupied lands of Azerbaijan mentioned and that, if the reasons generating terrorism and factors creating a conducive condition for that to spread are not eliminated, fighting against terrorism will never be successful. In other hand, conflicts in the world as well as in the Southern Caucasus are impossible to be solved in the conditions of permanent terror practices and their being supported in a state level.⁸⁵

From its inception at the turn of the 20th century to its regaining of independence after the end of the Cold War, Armenia has been intimately involved at various levels with militant and extremist groups and individuals who have engaged in various of activities that can defined as terrorism. Not

81 Əliyev, *İnkişaf – məqsədimizdir: 18 kitabda*, 2-ci kitab, 147.

82 Rovshan Novruzoglu and Yunus Oguz, *Karabakh: Uncontrolled Zone* (Baku: Ozan, 2002), 10-14.

83 Novruzoglu and Oguz, *Karabakh: Uncontrolled Zone...*, 5.

84 Ç. Mustafayev, *Terrorçuluq anlayışı, yaranma səbəbləri, xəbərdarlıq və proqnozlaşdırılması* (Bakı: Çinar-Çap, 2005), 144.

85 İ.H. Əliyev, *İnkişaf – məqsədimizdir: 18 kitabda*, 1-ci kitab (Bakı: Azərənşr, 2008), 191.

only that, the modern Republic of Armenia has not only awarded terroristic individuals with honorific titles, it has allowed them assume positions of power at the highest level both in Armenia and the fictional Nagorno-Karabakh Republic. This demonstrates that Armenia has, implicitly at the least, embraced terrorism as a state policy tool. This stance presents a significant challenge to the resolution of the Nagorno-Karabakh conflict and the combat against international terrorism.⁸⁶

Conversely, leading its foreign policy based on the principles of the UN in defense of international peace and security and principles of Helsinki Final Act, Azerbaijan, as a peaceful state, joined the UN 1999 International Convention for the Suppression of the Financing of Terrorism and other conventions concerning this problem. However, the occupation of some of the territory of Azerbaijan by Armenia does not allow the fulfillment of all commitments. One of these commitments is the contract about ordinary armed forces in Europe. Armenia keeps heavy military equipment and military groups out of governmental control in the Nagorno-Karabakh region of Azerbaijan, which is a member of OSCE and North Atlantic Cooperation Council. If the members of the OSCE Minsk group and participants of the contract about ordinary armed forces in Europe would demonstrate the unequivocally position for judgment of the aggressor, the military-political balance would not be disturbed in Azerbaijan as well as in the Southern Caucasus.⁸⁷ The government of Azerbaijan proposed the creation of a multinational inspection team for strengthening of contract about ordinary armed forces in Europe, including the members of this contract to investigate the real situation of the weapon and combat technique and in the Nagorno Karabakh region, and the combined consulting group to assist eliminating the results of Armenia's aggression to Azerbaijan.⁸⁸ Former Azerbaijan President Heydar Aliyev, in the Istanbul Summit of the OSCE brought to the attention of the world states the necessity of strengthening the efficiency of the contract

86 A most recent incident clearly demonstrates Armenia's embrace of terrorism as a state policy tool; on 5 May 2019, it reburied the remains Gourgen Yanikian in Armenia, who, in 1973, assassinated in cold blood Turkey's Consul General of Los Angeles Mehmet Baydar and Consul Bahadır Demir. Yanikian was sentenced to life imprisonment and designated a terrorist by US authorities. Despite this, his remains were removed from their resting place in the US, and transported to Armenia, and reburied in a military cemetery in Yerevan with a state ceremony. See: Melek Sina Baydur, "Open Letter To The President Of Armenia," *Center for Eurasian Studies (AVİM)*, Blog No: 2019/33, May 27, 2019, <https://avim.org.tr/Blog/OPEN-LETTER-TO-THE-PRESIDENT-OF-ARMENIA-27-05-2019>

87 "Выступление министра иностранных дел Азербайджана на заседании Совета Североатлантического сотрудничества в Брюсселе 3 декабря 1993 года," Документ S/26852, Совет Безопасности. Официальное отчеты сорок восьмой год дополнение за октябрь, ноябрь, декабрь 1993 года (Организация Объединенных Наций, Нью-Йорк, 1997), 341-343.

88 "Письмо министра иностранных дел Азербайджанской Республики от 10 декабря 1993 года на имя Председателя Совместной консультативной группы по Договору об обычных вооруженных силах в Европе," Документ S/26876. Официальное отчеты сорок восьмой год дополнение за октябрь, ноябрь, декабрь 1993 года (Организация Объединенных Наций, Нью-Йорк, 1997), 365-366.

about ordinary armed forces in Europe and the endangerment of international safety as well as participant states' safety by the placement of illegal foreign weapons in the occupied Azerbaijani lands.⁸⁹ The UN Security Council condemned terror acts and called to fight against them in the resolution number 1189 in Nairobi (Kenya) and Dar Es-Salam (Tanzania)⁹⁰, in the resolution 1438 in Moscow⁹¹, in the resolution 1516 in Istanbul, in the resolution 1465 in Bogotá (Columbia)⁹², in the resolution 1530 in Madrid (Spain)⁹³, in the resolution 1611 in London, in the resolution 1623 in Iraq⁹⁴ etc. However, bizarrely, no resolution has been adopted for the terror acts perpetrated by Armenia or Armenia-linked groups in Azerbaijan. In the resolution number 1456, paragraph 3 of the Security Council adopted 20 January 2003, it is stated that any state that funds, plans, supports terrorism and gives shelter for terrorists is responsible according to the international law norms.⁹⁵ In the UNSC resolution number 1805 adopted on 20 March 2008, all forms of terrorism were condemned and the necessity of increasing the efficiency of activity of Counter-Terrorism Committee on execution of resolution number 1373 was stressed.⁹⁶ Yet, Armenia has managed to evade condemnation and sanctions despite these resolutions.

Conclusion

Summarizing the above studies, it can be concluded that Armenakan, Hunchak, Dashnaksutyun, Nemesis the group of Revanchists of Armenian Genocide, the Justice Commandos of the Armenian Genocide, the secret group of DRO and its secret detachments of DRO-8, DRO-88, DRO-888, DRO-8888, Armenian Secret Freedom Army (ASOA), Armenian Secret Army for the Freedom of Armenia (ASALA), Geregon, Armenian Movement of Freedom (AOD), Armenian Freedom Front, Armenian Unity, Democratic Front, Apostol are the globally dangerous terrorist organizations. They committed terroristic acts against Turkish diplomats, public figures, intellectuals and other innocent people in different parts of the world on purpose of splitting the Turkey government. After establishment of Armenia Republic by Azerbaijani lands, the same problem was put forward by anti-Azerbaijan and anti-government provocation in Nagorno-Karabakh. The

89 *Azərbaycan beynəlxalq aləmdə: Vcildə*, 5-ci cild (Bakı: Göytürk, 1999), 429.

90 “Перечень резолюций Совета Безопасности принятых в 1998 году.”

91 “Перечень резолюций Совета Безопасности принятых в 2002 году.”

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94 “Перечень резолюций Совета Безопасности принятых в 2005 году.”

95 “Перечень резолюций Совета Безопасности принятых в 2005 году.”

96 “Перечень резолюций Совета Безопасности принятых в 2008 году.”

Measures of the UN Security Council Against International Terrorism and Globally Threatening Armenian Terrorism

Republic of Armenia led a purposeful policy in this direction and continues doing so today. Based on observations on its past and present conduct, Armenia is a state that executes terrorism at a state level. That is why necessary actions need to be taken against this aggressor entity following the VII. Chapter of the UN Charter and decisions and resolutions of the UN for fighting against the international terrorism.

If the Armenian-Azerbaijan Nagorno Karabakh conflict is regulated, the sovereign rights of Azerbaijan on the occupied lands recovered, Armenia's usage of these lands for terrorism, drug trade, and other illegal purposes would be stopped.

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CORRIGENDUM

The article by Ali Bilge Cankorel titled “Contributions Of The Turkish Eastern Army Under General Kazim Karabekir’s Command To Turkish National Resistance And Peace-Making With The Caucasian Republics At World War-I And The Following Turkish War Of Liberation,” which was published in Issue 38 of our journal, contains the following sentence:

“Furthermore, Erzurum on 16 February 1915, Muş and Bitlis immediately afterwards, Trabzon on 19 April, and Erzincan on 25 July would all fall to the Tsar’s forces.” (p. 70)

This sentence mistakenly attributed the fall of Erzurum, Muş, Bitlis, Trabzon, and Erzincan to Imperial Russian forces to the year 1915, whereas the correct year is 1916. Additionally, the date of Trabzon’s occupation by Russian forces was not 19, but 18 April.

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