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The California COURIER

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WHITE HOUSE RELENTS

Congress Finally Passes Martyrs' Day Resolution

WASHINGTON — With the Reagan Administration offering no opposition this time, the House of Representatives unanimously approved on Sept. 10 a resolution designating April 24, 1985 as a day of remembrance for the victims of the Armenian Genocide.

The Department of State blocked the passage of the Resolution last April claiming it would encourage terrorism, "muck up" relations with Turkey and questioned the veracity of the Armenian Genocide.

Despite the efforts of the Administration, however, Resolution 247, authored by Congressman

Tony Coelho (D-Calif.), enjoyed the bi-partisan co-sponsorship of more than 234 congressmen, over one-half of the 435 House members. Among the key backers of the Resolution were two California congressmen, Chip Pashayan and Carlos Morehead, both Republicans.

"I am elated by the House action," said Congressman Coelho, "but it is unfortunate we had to go to such great lengths to get a commemorative resolution, which is normally a simple legislative procedure passed by the House."

The Resolution now needs the approval of the Senate and then it will be sent to the President for his signature. Earlier this year, the Administration had also blocked the Senate version of Resolution 247.

The House Resolution was blocked last April by Congressman Mark Siljander (R-Mich.), at the behest of the Administration. Since the resolution was introduced under the unanimous consent rule, a requirement for all commemorative resolutions, a single negative vote was enough to block it, even though the majority of the congressmen supported it.

To avoid a similar situation, Coelho re-introduced the resolution on Sept. 10 and scheduled it for a floor vote if necessary. As there was no opposition this time, the resolution passed unanimously.

Before its passage, however, Congressman Doug Bereuter (R-

Neb.) said during the debate on the House floor that although "history is quite clear that mass killings took place" the approval of the resolution should not be viewed as an endorsement of Armenian "terrorists" or as a slap at the present

(Continued on Page 4)

(Continued from page 1)

Turkish government. Bereuter, however, admitted that he made his remarks at the request of the State Department in order to appease Turkey.

Bereuter was reportedly unsure whether the State Department had changed its position on the Armenian Genocide or merely was trying to limit the damage.

Both the Armenian National Committee and the Armenian Assembly as well as Governor George Deukmejian had played a major role in ensuring the passage of the resolution. Spokesman from both organizations expressed their delight at the passage of resolution 247 and urged support for another pending House resolution reaffirming the facts of the Armenian Genocide as well as the Senate version of Res. 247. "Once this is done, it will be very difficult for

anyone to misrepresent the U.S. position," said Levon Kirakosian, the Chairman of the ANC, Western

Region.

Governor George Deukmejian, along with the ANC and AA, were also involved in urging the President to endorse the ratification of the United Nations Convention on Genocide.

According to the Washington

98TH CONGRESS
1ST SESSION

H. J. RES. 247

To designate April 24, 1984, as "National Day of Remembrance of Man's
Inhumanity to Man".

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1983

Mr. COELHO introduced the following joint resolution; which was referred to the
Committee on Post Office and Civil Service

JOINT RESOLUTION

To designate April 24, 1984, as "National Day of
Remembrance of Man's Inhumanity to Man".

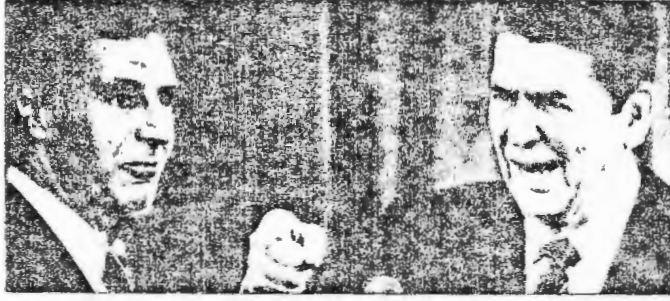
1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That April 24, 1984, is hereby designated as "National Day
4 of Remembrance of Man's Inhumanity to Man," and the
5 President of the United States is authorized and requested to
6 issue a proclamation calling upon the people of the United
7 States to observe such a day as a day of remembrance for all
8 the victims of the genocide, especially the one and one-half
9 million people of Armenian ancestry who were victims of the
10 genocide perpetrated in Turkey between 1915 and 1923, and
11 in whose memory this date is commemorated by all Arme-
12 nians and their friends throughout the world.

Reporter

om page 61)
 ising to replace it
 Rodeo Drive, a
 glass-enclosed
 luxury shopping.
 lot across from
 er and the Beverly
 nel has been called
 st piece of prop-
 erta," but today
 vacant and for
 at \$10 million no
 ining up. Hyams's
 y Beverly Hills
 brokers, was that
 i on the Beverly
 boom to continue
 z eighties. But the

boom fizzled due to increas-
 ingly strict building laws
 (and a softening market),
 and Hyams's asking price
 comes down to over \$2,000
 per square foot, almost triple
 Rodeo's going rate. Even if
 he gets his building up, he'll
 have to rent it at double the
 market price just to recoup
 his investment. While Hyams
 is still optimistic about the
 venture's future, most ob-
 servers aren't. Hyams's Dutch
 bankers started foreclosure
 proceedings several months
 ago but granted him a
 limited extension. —E.Y.

HOW REAGAN LOST THE ARMENIAN VOTE

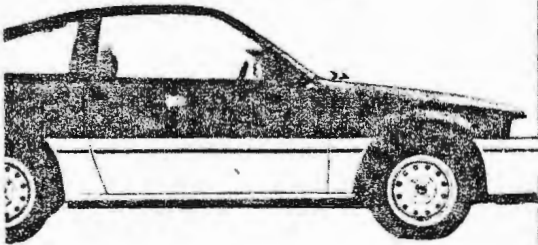


Armenian Duke splits with Republican President: the road to '88?

PRESIDENT REAGAN'S RE-
 fusal to back legislation
 commemorating the mas-
 sacre of 1.5 million Ar-
 menians by the Turks during
 World War I may have
 passed unnoticed elsewhere,
 but it cost him more than
 half his once massive backing
 among California Armeni-
 ans, according to Serge Sam-
 oniantz of the Armenian Na-
 tional Committee. It didn't
 work to blame the State De-
 partment's fear of offending
 Turkey. "Most of our people
 don't make such distinctions,"
 says Vatche Semerdjian of
 the conservative Armenian
 Democratic Liberal Organi-
 zation, which places Reagan's
 political slip at 60 to 70 per-
 cent. California's other
 leading Republican, how-
 ever, came out of the affair
 looking significantly better.

Last May, having proclaimed
 April 24 a state Day of
 Remembrance for Armenian
 genocide victims, Governor
 Deukmejian made public his
 "unequivocal disagreement"
 with the President. While
 few doubted Deukmejian's
 sincerity, Samoniantz, for
 one, sees more than emotion
 in the act. "I believe he
 wanted to separate himself
 from the President on this
 issue in order not to
 antagonize his financial and
 political supporters." Others
 see it as a sign of higher
 ambitions. "My guess is that
 Duke will go to Washington
 four years from now," says
 Kosti Shirvanian, a Deuk-
 mejian supporter. "If he does
 a good job here, he'll cer-
 tainly qualify as a presi-
 dential or vice-presidential
 candidate." —E.Y.

CAR WATCH



HOTTEST SELLING SPORTS CAR IN CALIFORNIA
 Honda Civic CRX. It takes months to get one
 dealerships, and then only after stiff "premiums"
 over and above the manufacturer's suggested
 386 for the CRX 1.3 and \$6,843 for the more
 1.5. Part of the demand has to do with the scar-
 ing from import quotas — only 12,000 1.3s and
 5s will be imported this year. Mostly, though,
 bility of the CRX stems from performance: the
 5 miles to the gallon on the road, 45 in the city.
 idea how long and how much it takes to get
 the wheel of a CRX 1.3, we surveyed Honda
 p and down the state in late June, with the
 disheartening results:

- Mid City Honda, (707) 443-4871; waiting
 to six weeks; premium \$700.
- Beach: Long Beach Honda Cars, (213)
 waiting time three months; premium \$1,000.
- geles: Bill Robertson & Sons, Inc., Honda of
 d, (213) 466-3247; not accepting orders right
 nium: \$2,000.
- prings: Peter Epsteen Honda, (619) 342-3422;
 me four to six weeks; premium \$500 (plus high
 eparation" charges).
- ento: South City Honda, (916) 393-7660;
 me six to seven months; premium \$200.
- ago: Honda of San Diego, (619) 563-1095; not
 orders right now; premium \$500 (plus high
 eparation charges).
- ancisco: Boas International Motors, (415)
 waiting time one month; premium \$2,000.
- Barbara: Hugh's Pontiac, (805) 682-2424;
 me three to six months; premium \$500.
- ruz: Honda of Santa Cruz, (408) 423-2770;
 ventory right now; premium \$1,500.

SMERSH

WAS KOREAN AIRLINES
 Flight 007 on an Ameri-
 can spy mission at the time
 the Soviets shot it down over
 Sakhalin Island last year?
 While a British defense jour-
 nal reported last June that it
 was, San Francisco attorney
 Melvin Belli, who is suing
 Russia, KAL and the U.S.
 on behalf of families of the
 victims, is skeptical. "There
 was a story that the CIA took
 the plane to Andrews Air
 Force Base to put spy equip-
 ment on it," he says. "I had a
 reporter friend look into it.
 She did and said it wasn't
 true, and that was that. I'm
 not going to pursue it
 anymore."

If the CIA is relieved to get
 Belli off its back, it must be
 positively ecstatic at a clean
 bill of health delivered by in-
 vestigative reporter Seymour
 Hersh. In fact, Hersh says he
 is infuriated at the sugges-
 tions that his recent trip to
 Moscow to research the KAL
 affair was aimed at proving
 U.S. culpability. "There is
 nothing to the notion that I
 think it was a CIA plot," he
 says. "I have no evidence that
 the [007] was anything but a
 lost plane." Did he go to
 Russia on the theory that it
 wasn't? "You are so [expletive
 deleted] simpleminded. I
 won't tell you what my idea
 was before or after." —E.Y.

98TH CONGRESS
1ST SESSION

S. J. RES. 87

Designating a day of remembrance for victims of genocide.

IN THE SENATE OF THE UNITED STATES

APRIL 21 (legislative day, APRIL 18), 1983

Mr. TSONGAS introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Designating a day of remembrance for victims of genocide.

1 *Resolved by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled,*
3 That April 24, 1984, be designated as a day of remembrance
4 for all victims of genocide, especially those of Armenian an-
5 cestry who died between 1915 and 1923. The President is
6 requested to issue a proclamation calling upon the people of
7 the United States to observe and reflect on this tragic event.

○

on Labor and Human Resources are committed to passing this bill and sending it on to the President for his signature.

I urge the whole House to join today in sending this strong health legislation onward to the Senate and the President.

□ 1240

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3979, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3979, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

NATIONAL DAY OF REMEMBRANCE OF MAN'S INHUMANITY TO MAN

Mr. FORD of Michigan. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 247) to designate April 24, 1984, as "National Day of Remembrance of Man's Inhumanity to Man," as amended.

The Clerk read as follows:

H.J. Res. 247

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 24, 1984, is hereby designated as "National Day of Remembrance of Man's Inhumanity to Man", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all victims of genocide, especially the one and one-half million people of American ancestry who were victims of the genocide perpetrated in Turkey between 1915 and 1923, and in whose memory this date is commemorated by all Armenians and their friends throughout the world.

The SPEAKER pro tempore. Is a second demanded?

Mr. DANNEMEYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. FORD] will be recognized for 20 minutes and the gentleman from California [Mr. DANNEMEYER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on House Joint Resolution 247.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. FORD of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support House Joint Resolution 247 which designates April 24, 1985 as a "National Day of Remembrance of Man's Inhumanity to Man" and marks the 70th anniversary of the genocide of 1½ million Armenians in Turkey.

This resolution which has over 230 cosponsors pays homage to the victims and survivors of this horrible massacre that predates the Nazi Holocaust by nearly two decades.

Because of the evil that swept through Europe during World War II we tend to forget the stark brutality of what happened to these 1.5 million Armenians. They were victims of a terrible genocide that should stand, along with the Third Reich, as a grisly symbol of man's inhuman capabilities.

This resolution honors not only the brutalized Armenians, but those who have fallen victim to tyrants of the world in all genocides.

And it serves notice to all the world that America will not again slumber while innocent men, women and children are slaughtered by cruel and evil despots.

Americans can only know vicariously the horrors of attempts to stamp out an entire race for political reasons. Because of our own heritage we cannot comprehend such horrific actions. To us they are utterly unthinkable. But the history is clear and well documented. In times of collective madness such things do happen.

We cannot guarantee that somewhere down history's winding path genocide again will not claim its hapless victims.

But by actions such as that proposed here today we can play a small part in putting the world on notice that the strongest Nation in history is also a nation of compassionate, vigilant people.

Mr. DANNEMEYER. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. I thank the gentleman for yielding time to me.

Mr. Speaker, today we are about to pass a resolution that attempts to bring the public's attention to the numerous historical instances in which man has been inhumane to man on a very large scale. It is very truly impossible to explain why man has so often

committed acts that are so cruel or barbarous.

Actions of this nature during this century have also been particularly reprehensible. Although science and medicine took gigantic strides, millions have been killed all over the world. One of the first massacres of the century was in Armenia. This resolution will hopefully bring some small amount of comfort to second and third generation Armenian Americans whose grandfathers and grandmothers were killed in the attacks—or witnessed the outrage.

I strongly support this resolution because I believe it is our duty never to forget this or other acts of genocide. We must not forget. But, I also sincerely believe it necessary to make a few observations about elements left unclear by the resolution.

First, over the past 2 years, there has been considerable controversy about the position of the U.S. Department of State. Two years ago, in the August 1982 issue of the Bulletin, the Department printed an article on Armenian terrorism. This article concluded with a note that the State Department "does not endorse allegations that the Turkish Government committed a genocide against the Armenian people." Although in the next issue of the Bulletin, the State Department issued a disclaimer of that note, it is still a fact that the original language of this kind by an official U.S. agency only further confuses the record. Since history is quite clear that mass killings took place, there is little use in obfuscation. American policy toward that area of the world is, as implemented, in the opinion of this Member quite rational; confusion on this issue only unnecessarily detracts from it. Hopefully, this statement will serve as a clarification of the written comments that caused confusion.

Second, the atrocities in Armenia, in which over a million people died, were committed by the Army of the Ottoman Empire in 1915. This Army consisted of Turkish and Kurdish soldiers. I do not wish to belabor the obvious, but present day Turkish realities have as little to do with the Ottoman Empire as does present day Austria represent a mirror image of the Hapsburg Empire.

Third, few of the democratically elected political leaders of today's Turkey were never born when the atrocities took place. It is a grave lesson which they must remember, but it should not be held or used against them.

Fourth and last, this resolution should not be misconstrued or misunderstood by the wrong persons. By recognizing the genocide against millions of innocent Armenians, we abhor, at the same time, the acts of the small faction of Armenians who choose to remember their slain ancestors by sowing the same kind of terror and violence.

Mr. Speaker, I hope this resolution shall pass and I commend my colleagues to vote affirmatively for it.

Mr. FORD of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. COELHO].

Mr. COELHO. I thank the Chairman of the committee.

Mr. Speaker, the resolution (H.J. Res. 247) presently under consideration would designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man," and authorize and request the President to issue a proclamation calling upon the people of the United States to observe such day in memory of all victims of genocide, especially the 1½ million people of Armenian ancestry who lost their lives in Turkey between 1915 and 1923.

April 24, 1985, will mark the 70th anniversary of the genocide against the Armenians.

The importance of this commemoration cannot and should not be underestimated. Earlier this year, I visited the Yad Vashem Holocaust Memorial in Israel and was overwhelmed by how the cold-blooded, calculated, and systematic slaughter of 6 million Jews could have been executed by the Nazis in the middle of the 20th century. Then I remembered Hitler's chilling comment before the Nazi invasion of Poland: "Our strength is in our quickness and brutality * * *. Who still talks nowadays of the extermination of the Armenians?"

In our day-to-day lives, the thought of genocide is difficult to imagine, agonizing to dwell upon, but, as Hitler demonstrated in word and deed, too dangerous to forget.

The murder of 1.5 million Armenians was the first genocide of the 20th century. Yet because their trauma was largely forgotten, other peoples throughout this century have had to suffer through further genocides. Continued silence can only lead other tyrants to believe they can get away with such crimes against humanity. It is for the past—as well as potential—victims that such days of remembrance are so important.

As a nation, we have risen to greatness time and time again when coming to the aid of peoples whose survival has been threatened. In the 1920's, following the mass slaughter and deportation of the Armenian people from their historic homeland, the United States, through the Near East Relief and other organizations, provided refugee assistance to hundreds of thousands of Armenian orphans and other survivors of the genocide. The freedom and opportunity they found here rekindled their dreams, and soon, the inviolable Armenian spirit began to prosper once again.

The Armenian-American community has contributed much to American society. Today, Armenian-Americans excel in many areas from sciences and the arts to business and industry, and

are beginning to enjoy major successes in the political arena as well.

For the Armenians, April 24 has become a rallying point; a day of commemoration for the victims and a day of renewal for the survivors and their descendants. I am proud to say that my district in the surrounding Fresno area includes one of the most vigorous Armenian communities in America. Many of my constituents survived the terrible slaughter of 1915 and bear the scars of watching their mothers and fathers murdered in cold blood. They have worked hard, participated in the growth of our Nation, and added immeasurably to the richness of our culture. To them, April 24 is a testament to their spirit, a peaceful outlet for the emotional trauma they have suffered. They strongly resent—as do I and many of my colleagues—the insult of those who would say that recognition of their day is somehow a capitulation to terrorism.

Mr. Speaker, I would like to include in the RECORD a letter from Governor Deukmejian of California in which he supports House Joint Resolution 247. If I may read from the letter:

DEAR TONY: I am writing to personally express my support of House Joint Resolution 247. . . . It is our duty to call attention to the atrocities that occurred many years ago because if the humane people of this world don't remember, you can be sure the tyrants will—and history will go on repeating itself . . .

Like Governor Deukmejian, Armenians throughout the country have been organizing support for this resolution. And it seems that an overwhelming majority of my colleagues in the House have concluded that this bill merits passage. House Joint Resolution 247 was introduced over a year ago and in that time has gathered 234 cosponsors from all regions of the country. The bill has received broad bipartisan support from ranking members of both parties. In the event of this bill's passage, I feel we can once again say that Congress has continued its firm humanitarian stand on this important moral issue by voting to designate April 24, 1985, as a "National Day of Remembrance of Man's Inhumanity to Man."

□ 1250

The letter from Governor Deukmejian is as follows:

STATE OF CALIFORNIA,
GOVERNOR'S OFFICE,
Sacramento, July 6, 1984.

HON. TONY COELHO,
Congressman, Cannon House Office Building, Washington, DC.

DEAR TONY: I am writing to personally express my support of H.J.R. 247 which designates April 24, 1985, a "National Day of Remembrance of Man's Inhumanity to Man." This day would be so designated for all victims of genocide, and in particular, the one and one-half million people of Armenian ancestry who lost their lives in Turkey between 1915 and 1923.

As you well know, the authenticity of the massacres has been validated by many reputable public officials, historians, and others,

including American Ambassador Henry Morgenthau and the distinguished British statesman, Lord Bryce. Yet, the Armenian genocide has gone largely unnoticed by the world community.

It is our duty to call attention to the atrocities that occurred many years ago because if the humane people of this world don't remember, you can be sure the tyrants will—and history will go on repeating itself. One cannot ignore the chilling words of Adolph Hitler before he began his reign of terror during World War II, "Who still talks nowadays of the extermination of the Armenians?"

I strongly support H.J.R. 247. You may use this letter in any manner that you deem appropriate to gain passage of H.J.R. 247.

Most Cordially,

GEORGE DEUKMEJIAN.

Mr. DANNEMEYER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Joint Resolution 247 designating April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man." Mr. Speaker, in supporting House Joint Resolution 247 I feel we are recognizing the historic tragedies of yesterday, such as 70 years ago when 1.5 million Armenian lives were needlessly lost. House Joint Resolution 247 will remember them and all victims of past inhumanity on April 24, 1985.

However, it does not mean that I shall ever condone terrorism against Turkish diplomats or any form of terrorism against any nation or its people.

● Mr. PASHAYAN. Mr. Speaker, I rise in strong support of House Joint Resolution 247 and urge its passage.

As a Member of Congress who represents a large Armenian constituency, I fully recognize and appreciate the efforts that my colleague from California [Mr. COELHO] has extended on behalf of the thousands of Armenians who have adopted this Nation.

The bill before us today, along with President Reagan's announcement last week urging ratification of the International Convention on the Prevention and Punishment of the Crime of Genocide, is a basic recommitment to what President Harry S. Truman stated in his original message to the Senate urging ratification:

I also emphasized that America has long been a symbol of freedom and democratic progress to peoples less favored than we have been and that we must maintain their belief in us by our policies and our acts.

House Joint Resolution 247 is a symbolic gesture requesting the President to issue a proclamation calling upon the people of the United States to observe April 24 as a day of remembrance for all victims of genocide, especially the 1½ million Armenians who were victims of this century's first genocide, which began on April 24, 1915.

President Reagan, on April 22, 1981, issued a proclamation stating: "Like the genocide of the Armenians before it * * * the lessons of the Holocaust must never be forgotten."

Ratification of the Genocide Convention calls for this Nation to recognize "that at all periods of history genocide has inflicted great losses on humanity; and being convinced that, in order to liberate mankind from such an odious scourge, international cooperation is required."

Passage of House Joint Resolution 247 is complementary of our country's renewed efforts in ratification of the Genocide Convention. I strongly urge my colleagues to join me in supporting this worthy effort. ●

● Mr. WRIGHT. Mr. Speaker, I rise in support of this bill, House Joint Resolution 247, which would designate April 24, 1985, as a "National Day of Remembrance of Man's Inhumanity to Man."

This bill will be a fitting and overdue memorial to all victims of genocide, particularly the 1½ million Armenians who were victims of the first planned extermination of the 20th century.

On April 24, 1915, hundreds of Armenian religious, political, and intellectual leaders were rounded up by the Ottoman Turkish Government and murdered in cold blood. The genocide that followed was the culmination of ongoing persecution against the Armenian people which began in the second half of the 19th century. The Ottoman rulers boasted at the time that the annihilation of the Armenian population would be a final solution to the Armenian question. The echo of that cry was heard a generation later at Nazi death camps, where Jewish people were being systematically exterminated.

Fortunately, they were both wrong. The indomitable Armenian spirit preserved and escaped extinction, in part, through the efforts of President Woodrow Wilson, then Ambassador to the Ottoman Empire, Henry Morgenthau, and many charitable institutions such as the Near East Relief Society.

Today, the Armenians are a vigorous and thriving people who have survived the trauma of 1915. Through their diligence and persistence, they have become an integral part of our American society, and have added greatly to the richness of our social fabric.

However, the memory of the atrocity still haunts the survivors and their descendants. As their plight remains little understood, if not buried, their wounds remain open. Their only outlet has been yearly commemorations on April 24. This date has become not only a symbol of their ruptured past, but a rallying point for their resurgence.

Let us indulge in self-righteousness; Americans would do well to reflect also that elements of genocidal barbarism were present in some of the more brutal acts of extermination against American Indians, to our lasting shame.

This resolution is an important moral statement of great meaning to many American citizens who have contributed so much to our Nation. I have

visited Armenian communities in California and have recognized how meaningful the April 24 commemoration is to their heritage as well as their sense of renewal.

The sentiment and the deep commitment bespoken here should have meaning for us all. It is an abiding part of the American faith. It is incumbent on us all to join with those who celebrate this date by shining a light on the past and learning from it, pledging that it shall never happen again, rather than burying the past and robbing ourselves of its lessons. ●

● Mr. LOTT. Mr. Speaker, I rise in support of House Joint Resolution 247, a resolution which designates April 24, 1985, as the "National Day of Remembrance of Man's Inhumanity to Man." This resolution calls upon the President to issue a proclamation urging the American people to observe April 24 as a day of remembrance for all genocide victims, particularly those Armenians who were killed during an 8-year genocide campaign in Turkey by the Ottoman Empire. Although this terrible tragedy occurred almost 70 years ago, it has been used to justify recent terrorist actions against Turkish diplomats, none of whom had any part in the events of 1915, and such terrorist actions are equally as abhorrent.

As Republican whip, I urge my colleagues to support this resolution, and I would like to particularly acknowledge the efforts of my colleague from California [Mr. PASHAYAN] in behalf of this measure. ●

● Mr. BIAGGI. Mr. Speaker, I rise in support of this resolution, House Joint Resolution 247, to designate April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man." As one who believes strongly that we should constantly speak out against all violations of human rights—both past and present, and as a cosponsor of this resolution, I urge all my colleagues to lend their support to this measure.

It was the mobilization for World War I that set the stage for the tragic genocide of thousands of Christian Armenians. By February 1915, the Turkish Government had already begun to segregate Armenians into labor battalions, as well as disarming and deporting countless others. On April 24, 1915, about 300 Armenian religious, political, and intellectual leaders were arrested in Istanbul and were either exiled or murdered. And so began the grim carnage against Armenians that was carried out throughout the Ottoman Empire in all Armenian centers. This carnage continued for several years despite efforts in the United States to end the atrocities through diplomatic pressures and by expressing to Turkey a deep sense of concern and outrage. By 1923, 1.5 million Armenians had perished, and more than 500,000 were exiled.

Unfortunately, Mr. Speaker, the Armenian genocide is a historical fact. By remembering this dark chapter in

human history we not only honor those who perished, but we also express our abhorrence for all forms of physical violence against innocent human lives—be it in the form of genocide or terrorism and be it in 1915 or today.

As citizens of a nation that was founded on the principles of personal and religious freedom we are obligated to take notice of any abrogation of these precious liberties both past and present. In designating April 24, 1985, as "National Day of Remembrance of Man's Inhumanity to Man," we should also reaffirm our dedication to the principles of personal and religious freedom, and our commitment to promoting peace and liberty throughout the world. ●

● Mr. SHANNON. Mr. Speaker, I rise to join my colleagues in support of House Joint Resolution 247, to designate April 24, 1985, a day of remembrance of man's inhumanity to man. House Joint Resolution 247 is a tribute to all victims of genocide, especially those who died in the Turkish massacre of Armenians in the course of World War I.

On April 24, 1915, the Ottoman Empire launched a ruthless campaign to eliminate the Armenian race. By 1923, 1.5 million Armenian people had been murdered and another 500,000 had been exiled from their homeland.

Modern Turkey has yet to face up to the implications of those events. Indeed, for many years, the world community refused to condemn or even confront the first genocide of this century. The repercussions of that refusal were most strikingly illustrated by Hitler's assurance to doubting conspirators, as he embarked on a plan to annihilate the Jewish people, that no one remembered the Armenian genocide that had taken place only 15 years earlier.

We cannot let this dark episode in world history be forgotten ever again. We must remember the tragedy in order to learn from it and prevent its recurrence. It is in this spirit that House Joint Resolution 247 directs us, as a nation, to reflect on the significance of the events of 1915, not to avenge, but rather to honor those who died, to celebrate the survival of the Armenian race, and to renew our commitment to eliminating racial and religious violence from the world. ●

Mr. DANNEMEYER. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. Ford] that the House suspend the rules and pass the joint resolution, House Joint Resolution 247, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

The title of the joint resolution was amended so as to read: "Joint resolution to designate April 24, 1985, as 'National Day of Remembrance of Man's Inhumanity to Man.'"

A motion to reconsider was laid on the table.

ABANDONED SHIPWRECK ACT OF 1984

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3194) to provide for the protection of any historic shipwreck or historic structure located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the United States, as amended.

The Clerk read as follows:

H.R. 3194

SHORT TITLE

SECTION 1. This Act may be cited as the "Abandoned Shipwreck Act of 1984".

FINDINGS

SEC. 2. The Congress finds that—

(1) States have the responsibility for management of a broad range of living and non-living resources in State waters and submerged lands; and

(2) included in the range of resources are certain abandoned shipwrecks.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) The term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a).

(2) The term "shipwreck" means a vessel or wreck, its cargo, and other contents.

(3) The term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

(4) The term "submerged lands" means the lands—

(A) that are "lands beneath navigable waters," as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301);

(B) of Puerto Rico, as described in section 8 of the Act of March 2, 1917 (48 U.S.C. 749); and

(C) beneath the navigable waters of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, including inland navigable waters and waters that extend seaward to the outer limit of the territorial sea.

(5) The terms "public lands" and "Indian lands" have the same meaning as when used in the Archaeological Resources Protection Act of 1979 (7 U.S.C. 470aa-470ll).

RIGHTS OF OWNERSHIP

SEC. 4. (a) The United States asserts title to any abandoned shipwreck that is—

(1) substantially buried in submerged lands of a State;

(2) in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of a State when—
(A) such shipwreck is included in or determined eligible for inclusion in the National Register; and

(b) the public is given adequate notice of the location of such shipwreck.

(b) The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(c) Any abandoned shipwreck in or on the public lands of the United States (except the outer Continental Shelf) is the property of the United States Government.

(d) This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (33 U.S.C. 414-415).

RELATIONSHIP TO OTHER LAWS

SEC. 5. (a) The law of salvage shall not apply to abandoned shipwrecks to which section 4 of this Act applies.

(b) This Act shall not change the laws of the United States relating to shipwrecks, other than those which this Act applies.

(c) This Act shall not affect any suit filed before the date of enactment of this Act.

GUIDELINES

SEC. 6. To clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, the Advisory Council on Historic Preservation, established under section 201 of the Historic Preservation Act (16 U.S.C. 4701), in consultation with appropriate public and private sector interests (including archeologists salvors, sport divers, historic preservationists, and State Historic Preservation Officers) shall publish, within 6 months after the enactment of this Act, advisory guidelines for the protection of shipwrecks and properties. Such guidelines shall assist States and the United States Government in developing legislation and regulations to carry out their responsibilities under this Act in such manner as will allow for—

(1) recreational exploration of shipwreck sites; and

(2) private sector recovery of shipwrecks, which is not injurious to the shipwreck or the environment surrounding the site.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Washington [Mr. PRITCHARD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge my colleagues to pass H.R. 3194, the Abandoned Shipwreck Act of 1984. The central purpose of the legislation is to clarify the title of States to certain abandoned shipwrecks within State waters. The overall intent of the legislation is to make clear the right of the States to manage these shipwrecks to enable them to preserve their historical significance.

The need for the legislation stems from current questions as to whether States have the authority to regulate and manage shipwrecks on State lands. Since the passage of the Submerged Lands Act of 1953, States have held title to the lands and resources

beneath the navigable waters within State boundaries, extending seaward 3 miles, and have managed a wide range of resources and activities in these areas. Management of certain shipwrecks in these same areas is completely consistent with this existing State authority. To date, all States regulate archeological excavations on State lands and approximately 25 States specifically claim the right to regulate abandoned shipwrecks on State lands. However, several recent Federal district court cases have reached conflicting conclusions on the management of these shipwrecks. The purpose of this legislation, therefore, is simply to clarify that States have title to, and regulatory authority over, a certain class of abandoned shipwrecks on State lands.

Specifically, the legislation transfers to States title to abandoned shipwrecks that are, first, substantially buried in submerged lands of a State; second, located in coral formations on, of the State; or third, determined to be eligible for, or actually listed on, the National Register of Historic Places. For this class of abandoned shipwrecks, the legislation specifies that the law of salvage shall not apply. For the other abandoned shipwrecks not falling within this narrow class, traditional admiralty law will continue to apply.

The legislation reaffirms Federal ownership of abandoned shipwrecks lying on Federal lands and directs the Advisory Council on Historic Preservation to develop guidelines to assist the States and the Federal Government in carrying out their responsibilities for managing these abandoned shipwrecks. The Council is directed to develop guidelines that would allow for recreational diving on the wrecks and to utilize, as appropriate, private sector salvage efforts in the recovery of these abandoned wrecks.

The Committee on Merchant Marine and Fisheries has been considering this issue since legislation was first introduced by our distinguished colleague from Florida, Mr. BENNETT, in January of 1979. After I introduced H.R. 3194 with five original cosponsors on June 2, 1983, the committee conducted a deliberate and thorough examination of all the issues associated with the legislation. In September of 1983, the committee held a hearing on H.R. 3194, at which State officials, archeologists, sport divers, and salvors testified. I met personally with several representatives of salvor interests and with the salvors themselves, and my staff has consulted extensively with all of the groups that may be affected by this legislation. After 1 year of thorough and extensive investigation into the legislation, the committee conducted a markup of the bill and ordered it reported by a unanimous vote. Following action by my committee, the Interior Committee also conducted a hearing on H.R. 3194 in July and

Around the World

U.S. House Resolution Angers Turkish Premier

Special to The New York Times

ANKARA, Turkey, Sept. 14 — Prime Minister Turgut Ozal warned today that relations with the United States could be harmed by a House of Representatives resolution approved this week calling for a day of remembrance for Armenian massacre victims.

In a written statement, the Prime Minister also criticized a call by the Senate Foreign Relations Committee that United States foreign policy take account of what the committee called the genocide of the Armenian people.

"We submit to the world public opinion that these resolutions lend support to international terrorism," he said.

Armenian terrorists, who say they seek to avenge mass killings of Armenians early in this century, have attacked Turks and Turkish sites in many countries.

**PERMANENT
PEOPLES' TRIBUNAL**

*SESSION ON THE GENOCIDE
OF THE ARMENIANS*

*APRIL 13-16, 1984
PARIS*

VERDICT

This English translation of the Verdict of the Permanent Peoples' Tribunal in the case of the genocide of the Armenians has been published and distributed by the Zoryan Institute, Cambridge, Massachusetts, with the kind permission of the Permanent People's Tribunal.

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FOREWORD

Genocide has existed for centuries, even millennia, although the term itself was not coined until 1944 to describe the Jewish holocaust. Political subjugation, religious conflict, colonization, decolonization, or a combination of these factors have been the prime catalysts for the destruction and disappearance of peoples in the past.

The process of exterminating peoples has continued into the twentieth century. Economic "progress," population increases, resource scarcity and competition for political power within states have created conflict between peoples throughout the world. All too often, this has resulted in the actual or attempted elimination of one distinct racial, ethnic, or religious group by another.

Genocidal campaigns are a direct result of the centralization of power within states and the concomitant curtailment of the autonomy and diversity of peoples within states. Most states have been formed since the beginning of this century; many have preferred to eliminate the problems sparked by tribal, racial, or ethnic diversity rather than to seek peaceful resolutions. Older states such as Turkey and Germany have also undertaken genocidal campaigns. What effect will sustained economic recession, increased competition for resources, and political insecurity have on rulers who refuse to contemplate long term solutions to chronic social problems?

We are perhaps more alert to instances of genocide today than ever before in human history; that is as it should be. Events occurring in the most remote areas of the world make international headlines in a matter of hours. Such a flow of information can alert international opinion and bring a halt to such atrocities as they unfold. States, which are either actively involved in genocidal campaigns or protecting groups that are, often attempt to restrict such flows of information or eliminate access to historical records documenting cases of genocide. This is, for example, Turkey's policy with regard to the genocide of the Armenians from 1915 to 1917.

It is perhaps understandable why the present government of Turkey wants to rewrite the history surrounding the massacre of Armenians; but such tampering and revisionism cannot be allowed. International law, approved by states such as Turkey, prohibits such actions. When, in violation of international laws, states infringe upon the rights of peoples to autonomy and self-determination, even to the point of extinction, they must be condemned.

A tragedy was perpetrated upon the Armenian people. That the story of this tragedy is still contested by the Turkish government indicates a regrettable lack of concern from the international community. While it is not clear what can now be done to assist this people who have had to struggle so long for the mere recognition of their predicament, we can work to ensure that such cases do not go un-

tion of their predicament, we can work to ensure that such cases do not go unnoticed again. In this way the suffering of one people can at least prevent the suffering of others.

A number of interesting issues have arisen from the statement present in this report and the forthcoming publication containing the complete documentation of the Permanent Peoples' Tribunal hearing in Paris from April 13-16, 1984. The story of the genocide of Armenians demonstrates how such an event unfolds and thus may help us to recognize similar situations before they reach such abhorrent levels. In addition, the case raises the important questions of what constitutes a "people," what rights do such peoples have to self-determination or autonomy, and what responsibility does the international community have to a people when their rights are denied?

The Zoryan Institute is to be commended for publishing this report. It is the responsibility of the growing number of people and organizations concerned with these issues to bring them before a wider audience.

Jason W. Clay
Director of Research
Cultural Survival, Inc.

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GEORGE WALD (USA)

*SESSION ON THE GENOCIDE OF THE ARMENIANS
APRIL 13-16, 1984, PARIS*

VERDICT

MEMBERS OF THE PERMANENT PEOPLES' TRIBUNAL
COMPRISING THE JURY FOR THE SESSION
ON THE GENOCIDE OF THE ARMENIANS
APRIL 13-16, 1984, PARIS

Madjid BENCHIKH (Algeria), Professor of International Law at the University of Algiers

Georges CASALIS (France), theologian, Honorary Professor of the Institut Protestant de Theologie, Paris

Harald EDELSTAM (Sweden), former Ambassador to Chile and to Algeria

Richard FALK (USA), Professor of International Law, Princeton University

Ken FRY (Australia), member of Parliament

Andrea GIARDINA (Italy), Professor of International Law at the University of Rome

Sean McBRIDE (Ireland), jurist, President of the International Peace Office, Nobel Peace Prize laureate and Lenin Peace Prize winner, American Medal for Justice

Leo MATARASSO (France), lawyer at the Paris bar

Adolfo PEREZ ESQUIVEL (Argentina), Nobel Peace Prize laureate, general coordinator of "Servicio Paz y Justicia en America Latina" (Service for Peace and Justice in Latin America)

James PETRAS (USA), Professor of Sociology, State University of New York

Francois RIGAUX (Belgium), Professor at the Faculty of Law of the Catholic University in Louvain

Ajit ROY (India), economist and journalist

George WALD (USA), Professor Emeritus of Biology, Harvard University, Nobel Prize for Physiology and Medicine, 1967

THE PERMANENT PEOPLES' TRIBUNAL was called upon the request of the following organizations to devote a session to the case of the genocide of the Armenians:

- Groupement pour les Droits des Minorités (Paris, France)
- Cultural Survival (Cambridge, Massachusetts, U.S.A.)
- Gesellschaft für Bedrohte Völker (Göttingen, West Germany)

which ask that the following questions be answered:

1. Is it established that the Armenian people was the victim of deportations, massacres, etc. in the Ottoman Empire?
2. Do these facts constitute a "genocide" in the sense of the International Convention on the Prevention and Punishment of the Crime of Genocide (1948) and, consequently, do they fall under the 1968 Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity?
3. What are the consequences of this both for the international community and for the concerned parties?

The President of the Tribunal declared this request to be admissible in accordance with Article 11 of the statutes, and the Turkish government was informed, in application of the provision of Articles 14 and 15. The Turkish government was invited to send representatives or written documents to make its position known.

Since the Turkish government did not reply to this invitation, the Tribunal decided to insert into the record the two documents cited below, which contain the arguments of the Turkish party in support of its denial of the genocide of the Armenians.

The Tribunal held public hearings 13-14 April 1984 at the Sorbonne in Paris and the jury deliberated the matter on 15 April 1984.

At the conclusion of this discussion, the Tribunal pronounced the following verdict:

Considering the Universal Declaration of Human Rights of 10 December 1948,
Considering the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948,

Considering the Nuremberg principles formulated by the International Law Commission and adopted by the United Nations General Assembly in 1951,

Considering the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968,

Considering the Universal Declaration on the Rights of Peoples (Algiers, 4 July 1976),

Considering the Statutes of the Permanent Peoples' Tribunal (Bologna, 24 June 1979);

Having heard reports from:

- Richard G. HOVANNISIAN, Professor at the University of California at Los Angeles (U.S.A.), on the Armenian question from 1878 to 1923;
- Gerard J. LIBARIDIAN, historian and Director of the Zoryan Institute for Contemporary Armenian Research and Documentation (Cambridge, Massachusetts, U.S.A.), on the intent to commit genocide and the ideology of the "Young Turk" movement;
- Christopher WALKER, historian and author, on British sources concerning the Armenian genocide;
- Tessa HOFFMAN, Freie Universität, West Berlin, on the Austrian and German sources concerning the Armenian genocide;
- Yves TERNON, historian and author, on the Armenian genocide in the Ottoman Empire in 1915-1916;
- Joe VERHOEVEN, Professor at the Catholic University in Louvain, on the Armenian people and international law;
- Dikran KOUYMIJIAN, Professor at California State University, Fresno, on the destruction of Armenian historical monuments;

Having heard testimony from:

- Mr. Papgen INDJIRABIAN (France)
 - Mrs. Haigouhi BOYAJIAN (United States)
 - Mr. Aram GUREGHIAN (France)
 - Mr. Paul NAHABEDIAN (United States)
- survivors to the massacres;

Having heard:

- a report written by and read for Professor Leo KUPER of the University of California at Los Angeles on the concept of genocide as it applies to the massacre of the Armenians;
- a memorandum written by and read for Professor Theo Van BOVEN, former Director of the U.N. Human Rights Division, on the deletion of the reference to the massacre of the Armenians when the issue was under study by the United Nations Human Rights Commission;

Having taken note of:

- the many documents presented by the rapporteurs in support of their reports, including the documents coming from British and, in particular, from German sources;
- the important and abundant body of documentation from American sources;

- the documentation on the Unionists' trial in 1919 and the trial of Soghomon TEHLIRIAN held in Charlottenburg, Berlin, in 1921;
- the document entitled "The Armenian Problem: Nine Questions, Nine Answers", (Foreign Policy Institute, Ankara), stating the viewpoint of the current Turkish government;
- the testimony given by Professor ATAOU of the University of Ankara to the Criminal Court in Paris in January 1984, which repeats the arguments of the Turkish government.

P R E A M B L E

The most fundamental of all assaults on the right of peoples is the crime of genocide. Nothing is graver in a criminal sense than a deliberate state policy of systematic extermination of a people based on their particular ethnic identity. This centrality of genocide to the works of the Permanent Peoples' Tribunal is embodied in its basic framework of law set forth in the Universal Declaration of the Rights of Peoples (Algiers, 4 July 1976).

Article 1 of the Algiers Declaration asserts: "Every people has the right to existence." Article 2: "Every people has the right to respect of its national and cultural identity." Article 3: "Every people has the right to retain peaceful possession of its territory and to return to it if it is expelled."

And finally, Article 4 confronts directly the reality of genocide: "None shall be subjected, because of his national or cultural identity, to massacre, torture, persecution, deportation, expulsion or living conditions such as may compromise the identity or integrity of the people to which he belongs."

Yet, it may still be asked, why so many years after the alleged genocide, should the Tribunal devote its energies to an inquiry into the allegations of the Armenian people. After all, the basic grievance of massacre and extermination is fixed in time sixty-nine years ago in 1915. The Tribunal is convinced that its duties include the validation of historic grievances if these have never been properly brought before the bar of justice and acknowledged in an appropriate form by the government involved.

In this instance, the basis for an examination and evaluation of these Armenian allegations is especially compelling. Every government of the Turkish state since 1915 has refused to come to grip with the accusation of responsibility for the genocidal events.

In recent international forums and academic meetings, the Turkish government has made a concerted effort to block inquiry or acknowledgement of the Armenian genocide.

Furthermore, the current Turkish government has not taken cognizance of these most serious charges of responsibility for exterminating the Armenian people. On the contrary, additional charges implicate the present Turkish government in continuing these exterminist policies.

Particularly relevant in this regard are the charges of deliberate destruction, desecration, and neglect of Armenian cultural monuments and religious buildings. The Tribunal adopts the view that charge of the crime of genocide remains a present reality to be examined and, if established, to be appropriately and openly acknowledged by leaders of the responsible state. The victims of a crime of genocide are entitled to legal relief even after this great lapse of time, although this relief must necessarily reflect present circumstances.

Here, also, the attitudes of the Armenian survivors and their descendants are

also relevant. Any people rightfully insist and seek a formal recognition by legal authorities of crimes and injustices found to have been committed at their expense. The more extreme the injustice and the longer it is covered up, the more profound is this longing for recognition. The Tribunal notes with regret that the frustration arising from this denial of acknowledgement has seemingly contributed to the recourse to terroristic acts against Turkish diplomats and others. The hope of the Tribunal is to facilitate a constructive process of coming to terms with the Armenian reality, which may lead to a resolution or moderation of the conflict that may arise from it.

Genocide is the worst conceivable crime of state. Often, the state responsible is protected from accountability by other states and by the international framework of organizations, including the United Nations, composed exclusively of states. One striking feature of the Armenian experience is the responsibility of other states who, for reasons of geopolitics, join with the Turkish government in efforts to prevent, even at this late date, a thorough inquiry and award of legal relief.

The Permanent Peoples' Tribunal was brought into existence partly to overcome the moral and political failures of states as instruments of justice. The Tribunal has inquired into the Armenian grievances precisely because of the long silence of the organized international society and, especially, of the complicity of leading Western states (with the recent exception of France) who have various economic, political, and military ties with the Turkish state.

The Tribunal also acts because it is deeply concerned with the prevalence of genocide and genocidal attitudes in our world. As members of the Tribunal we believe that the uncovering and objective documentation of allegations of genocide contributes to the process of acknowledgement. To uncover and expose the genocidal reality makes it somewhat harder for those with motives of cover up to maintain their position. By validating the grievances of the victims, the Tribunal contributes to the dignity of their suffering and lends support to their continuing struggle. Indeed, acknowledging genocide itself is a fundamental mean of struggling against genocide. The acknowledgement is itself an affirmation of the right of a people under international law to a safeguarded existence.

THE FACTS

I. Historical Introduction

The presence of the Armenian people in Eastern Anatolia and the Caucasus is attested from the sixth century B.C. onward. For two millennia the Armenian people alternated between periods of independence and vassaldom. A succession of royal dynasties came to an end with the collapse of the last Armenian kingdom in the fourteenth century. Having adopted Christianity as their state religion in the early part of the fourth century as well as their own alphabet, both of which gave them a national identity from this period, the Armenians were often persecuted because of their faith by various invaders and suzerains. Though they occupied a geographical position which, as a strategic crossroads, was particularly vulnerable, the Armenians were able until the First World War to create and preserve on their historic territory — which the Turks themselves called Ermenistan — a language, a culture, and a religion: in short, an identity.

Following the disappearance of the last Armenian kingdom, the greater part of Armenia fell under Turkish domination, while the Eastern regions were under the control first of Persia, then of the Russians, who annexed them in the nineteenth century.

Like other religious minorities, the Armenian community (or "millet") enjoyed religious and cultural autonomy within the Ottoman Empire and, indeed, was left more or less in peace during the classical period of the Empire's history, in spite of the Armenians' status as second-class citizens ("rayahs").

But with the decline of the Empire in the nineteenth century, conditions grew steadily worse and the climate became one of oppression. The growth in population and the arrival of successive waves of Turkish refugees from Russia and the Balkans as well as the sedentarization of nomads (Kurds, Circassians, etc.) upset the balance of populations and increased the pressure of competition for land, creating numerous problems of tenure in the agrarian sector. The result was a deterioration in the fortunes of the Armenian population, who were mostly peasants and farmers. Modernization and reform were made difficult by the fossilized structure of the Empire. The few attempts at reform (formation of a modern army, taxation in coin) merely impoverished the peasantry further. At the same time, the emergence of national feelings in the Balkans was leading increasingly to the independence of peoples who had hitherto been under Ottoman rule. The Empire was being steadily weakened, not least due to its foreign debt.

From 1878, following the Russian-Turkish war, the Armenian question became a factor in the question of the Orient. Article 16 of the Treaty of San Stefano (1878) provided that a series of reforms would be carried out in Armenian areas under Russian guarantee. However, following a reversal of alliances, the Treaty of Berlin (1878) relieved Turkey of part of its obligations and charged Great Britain to supervise the reforms; but they were never implemented.

A revolutionary movement began to develop within the Armenian community (Dashnak and Hunchak parties). Following the Sasun insurrection in 1894, approximately 300,000 Armenians were massacred in the Eastern provinces and in Constantinople on the orders of Sultan Abdul Hamid. Protests by the Powers led to more promises of reforms which, again, were never kept; the guerilla ("fedayis") struggle continued. From the turn of the century onward, Armenian revolutionaries also began to cooperate with the Young Turk party in the definition of a federalist plan for the Empire. Following the hopes generated by the constitutional revolution of 1908, Young Turk ideology, under pressure of the exercise of power and external events as well as from the radical wing of the movement, began to develop toward a form of exclusive nationalism which found expression in Pan-Turkism and Turanism.

The Armenians' situation in the Eastern provinces had not changed either as the result of the revolution or of the overthrow of Abdul Hamid in 1909 (massacres of Adana), and demands for reforms were again made by the Entente Powers. These demands were eventually heard in February 1914, and two inspectors were appointed to supervise their implementation. These appointments were considered by the Ottoman government as unacceptable interference.

At the outbreak of the First World War, the Ottoman Empire was uncertain as to which side to join. At the beginning of November 1914, under German pressure, it sided with the Central Powers. This placed the Armenians in a difficult position. They occupied a territory which Turkey considered as vital to the realization of its Turanist imperialist ambitions with regard to the peoples of Transcaucasia and Central Asia. Furthermore, the division of the Armenian people between the Ottoman Empire (2,000,000 Armenians) and Russia (1,700,000) inevitably meant that the two sections of the population found themselves on opposing sides. At the Eighth Congress of the Armenian Revolutionary Federation at Erzerum in August 1914, the Dashnak party rejected Young Turk requests to engage in subversive action among the Russian Armenians. From the beginning of the war, the Turkish Armenians behaved in general as loyal subjects, signing up with the Turkish army. The Russian Armenians, on their side, were routinely conscripted into the Russian army and sent to fight on the European fronts. In the first months of the war, Russian Armenians enrolled with volunteer corps which acted as scouts for the Tsarist army — the Russian answer to the plan Turks had submitted to Armenians in Erzerum some months earlier. The Erzerum refusal and the formation of these volunteer battalions were used as arguments by the Young Turks to allege Armenian treachery. Enver, who had been appointed Supreme Commander of Turkish forces, achieved a breakthrough into Transcaucasia in the middle of winter, but was defeated at Sarikamish as much by the weather conditions as by the Russian army. Of the Turkish Third Army's 90,000 men, only 15,000 remained. In the depressed aftermath of the defeat in the Caucasus, the anti-Armenian measures began.

II. The Genocide

Beginning in January 1915, Armenian soldiers and gendarmes were disarmed, regrouped in work brigades of 500 to 1,000 men, put to work on road maintenance or as porters, then taken by stages to remote areas and executed. It was not until April that the implementation of a plan began, with successive phases carried out in a disciplined sequence. The signal was first given for deportation to begin in Zeytun in early April, in an area of no immediate strategic importance. It was not until later that deportation measures were extended to the border provinces.

The pretext used to make the deportation a general measure was supplied by the resistance of the Armenians of Van. The vali of Van, Jevdet, sacked outlying Armenian villages and the Van Armenians organized the self-defense of the city. They were saved by a Russian breakthrough spearheaded by the Armenian volunteers from the Caucasus. After taking Van on May 18th, the Russians continued to press forward but were halted in late June by a Turkish counter-offensive. The Armenians of the vilayet of Van were thus able to retreat and escape extermination.

When the news of the Van revolt reached Constantinople, the Union and Progress (Ittihad) Committee seized the opportunity. Some 650 personalities, writers, poets, lawyers, doctors, priests, and politicians were imprisoned on April 24th and 25th, 1915, then deported and murdered in the succeeding months. Thus was carried out what was practically the thorough and deliberate elimination of almost the entire Armenian intelligentsia of the time.

From April 24 onward, and following a precise timetable, the government issued orders to deport the Armenians from the eastern vilayets. Since Van was occupied by the Russian army, the measures applied only to the six vilayets of Trebizond (Trabzon), Erzerum, Bitlis, Diarbekir, Kharput, and Sivas. The execution of the plan was entrusted to a "special organization" (SO), made up of common criminals and convicts trained and equipped by the Union and Progress Committee. This semi-official organization, led by Behaeddin Shakir, was under the sole authority of the Ittihad Central Committee. Constantinople issued directives to the valis, kaymakams, as well as local SO men, who had discretionary powers to have moved or dismissed any uncooperative gendarme or official. The methods used, the order in which towns were evacuated, and the routes chosen for the columns of deportees all confirm the existence of a centralized point of command controlling the unfolding of the program. Deportation orders were announced publicly or posted in each city and township. Families were allowed two days to collect a few personal belongings; their property was confiscated or quickly sold off. The first move was generally the arrest of notables, members of Armenian political parties, priests, and young men, who were forced to sign fabricated confessions then discreetly eliminated in small groups. The convoys of deportees were made up of old people, women, and children. In the more remote villages,

families were slaughtered and their homes burned or occupied. On the Black Sea coast and along the Tigris near Diarbekir boats were heaped with victims and sunk. From May to July 1915, the Eastern provinces were sacked and looted by Turkish soldiers and gendarmes, SO gangs ("chetes"), etc. This robbery, looting, torture, and murder were tolerated or encouraged while any offer of protection to the Armenians was severely punished by the Turkish authorities.

It was not possible to keep the operation secret. Alerted by missionaries and consuls, the Entente Powers enjoined the Turkish government, from May 24, to put an end to the massacres, for which they held members of the government personally responsible. Turkey made the deportation official by issuing a decree, claiming treason, sabotage, and terrorist acts on the part of the Armenians as a pretext.

Deportation was in fact only a disguised form of extermination. The strongest were eliminated before departure. Hunger, thirst, and slaughter decimated the convoys' numbers. Thousands of bodies piled up along the roads. Corpses hung from trees and telegraph poles; mutilated bodies floated down rivers or were washed up on the banks. Of the seven eastern vilayets' original population of 1,200,000 Armenians, approximately 300,000 were able to take advantage of the Russian occupation to reach the Caucasus; the remainder were murdered where they were or deported, the women and children (about 200,000 in number) kidnapped. Not more than 50,000 survivors reached the point of convergence of the convoys of deportees in Aleppo.

At the end of July 1915, the government began to deport the Armenians of Anatolia and Cilicia, transferring the population from regions which were far distant from the front and where the presence of Armenians could not be regarded as a threat to the Turkish army. The deportees were driven south in columns which were decimated en route. From Aleppo, survivors were sent on toward the deserts of Syria in the south and of Mesopotamia in the southeast. In Syria, reassembly camps were set up at Hama, Homs, and near Damascus. These camps accommodated about 120,000 refugees, the majority of whom survived the war and were repatriated to Cilicia in 1919. Along the Euphrates, on the other hand, the Armenians were driven ever onward toward Deir-el-Zor; approximately 200,000 reached their destination. Between March and August 1916, orders came from Constantinople to liquidate the last survivors remaining in the camps along the railway and the banks of the Euphrates.

There were nevertheless still some Armenians remaining in Turkey. A few Armenian families in the provinces, Protestants and Catholics for the most part, had been saved from death by the American missions and the Apostolic Nuncio. In some cases, Armenians had been spared as a result of resolute intervention by Turkish officials, or had been hidden by Kurdish or Turkish friends. The Armenians of Constantinople and Smyrna also escaped deportation. Lastly, there were cases of resistance (Urfa, Shabin-Karahisar, Musa-Dagh). In all, including those

who took refuge in Russia, the number of survivors at the end of 1916 can be estimated at 600,000 out of an estimated total population in 1914 of 1,800,000, according to A. Toynbee.

In Eastern Anatolia, the entire Armenian population had disappeared. A few survivors of the slaughter took refuge in Syria and Lebanon, while others reached Russian Armenia. In April 1918, in order to circumvent provisions of the Treaty of Brest-Litovsk stipulating that Bolshevik Russia cede Batum, Kars, and Ardahan to Turkey, Transcaucasia declared independence, forming a shortlived Federation which was to break up into three republics in May 1918: Georgia, Armenia, and Azerbaijan.

At its defeat in November 1918, Turkey recognized the Armenian state and even ceded to it in the following year the vilayets of Kars and Ardahan.

All the allied governments had solemnly promised on several occasions, in statements by their representatives Lloyd George, Clemenceau, Wilson, etc., to ensure that justice was done by the "martyred Armenian people."

In April 1920, the San Remo Conference proposed that the United States accept an Armenian mandate, and that, whatever the United States decision, President Wilson should define the frontiers of the Armenian state and that the peace treaty with Turkey should designate him as referee in the question of the Turkish-Armenian frontiers.

The Treaty of Sevres (August 10, 1920), which recognized the Armenian state and ratified the frontiers drawn by President Wilson, did not, however, settle the issue. This Treaty, which was signed by the government in Constantinople and which shared out large sections of Anatolia to the Italians, the British, and the French as well as favored the Greeks in the Aegean Sea, was unacceptable to Mustapha Kemal, who rejected it. The Republic of Armenia under the leadership of the socialist Armenian Revolutionary Federation (Dashnak) was soon caught in a vise between the Kemalists offensive and Bolshevik Russia. When, on November 20, 1920, President Wilson officially set forth the territorial limits of the new state, the collapse of the Republic was only a few days off. The vilayets of Kars and Ardahan were retaken by Turkey (Treaty of Alexandropol) and what remained of Armenia (approximately 30,000 sq. km.) became Soviet on December 2, 1920.

On July 24, 1923, the Treaty of Lausanne was signed by the Great Powers and the new Republic of Turkey with no mention of Armenia or the rights of Armenians. The Armenian question was closed.

III. The Evidence

The Tribunal is invited to pronounce judgement on the charge of genocide brought on the basis of the events of 1915-1916.

The Tribunal considers that the facts presented above are established on the basis of substantial and concordant evidence. This evidence has been produced

and analyzed in the various reports heard by the Tribunal, to which numerous documents have been submitted.

A near-exhaustive bibliography of these sources has been drawn up by Professor R.G. HOVANNISIAN, *The Armenian Holocaust*, Cambridge, Massachusetts, 1981.

Not counting the Ottoman archives — which are inaccessible — the main documents are as follows:

- The German archives, which in view of the status of Germany as ally of the Ottoman Empire, are of prime significance. Especially worthy of note are the reports and eyewitness observations of Johannes Lepsius, of Dr. Armin Wegner, of the charitable organization “Deutscher Hilfsbund,” of Dr. Jacob Kunzler, of the journalist Stuermer, of Dr. Martin Niepage, of the missionary Ernst Christoffel, and of General Liman von Sanders; the latter related how the Armenian populations of Smyrna and Adrianopolis were spared as a result of his resolute personal intervention.

- The reports of German diplomatic and consular personnel who were the eyewitnesses of the conditions of the dispersion of the Armenians at Erzerum, Aleppo, Samsun, etc.

- The American archives, which also contained very ample material in confirmation of the above (reports by missionaries, consuls, and charities) and “Internal Affairs of Turkey, 1910-1919, Race Problems,” State Department, and the memoirs of the American Ambassador in Constantinople, Henry Morgenthau.

- The British authorities’ Blue Book on these events, published in 1916 by Viscount Bryce.

- The minutes of the Trial of the Unionists (Ittihadists) on charges brought by the Turkish government following the defeat of the Ottoman Empire.

At the time of this trial, which took place between April and July 1919, the Turkish government collected evidence of the deportation and massacres and tried those responsible — the majority in their absence — by a court martial. The court convicted most of the defendants, including Talaat, Enver, and Jemal, who were sentenced to death in absentia.

- The reports submitted to the Tribunal by four survivors of the massacres who lived through the events as children.

IV. The Turkish Arguments

The Tribunal has examined the Turkish arguments as set forth in the documents submitted to it.

The refusal of the Turkish government to recognize the genocide of the Armenians is based essentially on the following arguments: lower estimate of death toll; responsibility of Armenian revolutionaries; counter-accusations; denial of premeditation.

- The number of Armenians living in the Ottoman Empire in 1914 has been

variously estimated at 2,100,000 by the Armenian Patriarchate; 1,800,000 by A. Toynbee; and about 1,300,000 by the Turks. In spite of different estimates of the number of victims, the Armenians and almost all the Western experts agree on the proportion: approximately two thirds of the population. The Turks claim that the consequences of the "transfer" were on a much smaller scale, resulting in the disappearance of 20-25 percent of the population due to generally poor wartime conditions. The Turkish state also points out that losses were heavy on the Muslim side. This argument appears to overlook the fact that Armenians have almost entirely disappeared from Anatolia. The population of Turkey is currently about 45 million, of whom less than 100,000 are Armenians.

- In order to shift responsibility away from itself, the Turkish government alleges that Armenians committed acts of sedition and indeed of treason in time of war. However, the Tribunal has found that the only armed actions undertaken within the Ottoman Empire were the Sasun revolt and the resistance of Van in April 1915.

- A further argument advanced by the Turkish state is the accusation that it was the Armenians who supposedly committed genocide against the Turks. It is true that in 1917 (i.e. more than a year after the deportation and extermination of the Armenians was completed) a number of Turkish villages were annihilated by Armenian troops. The Tribunal considers that these acts, however blameworthy, cannot be considered as genocide. Furthermore, the Tribunal notes that these acts were committed some considerable time after the mass slaughter suffered by the Armenians.

- Lastly, the Turkish state rejects the charge of premeditation, impugning the authenticity of the five telegrams sent by the Minister of the Interior, Talaat, which were certified as authentic by experts appointed by the Court at the trial of Soghomon Tehlirian at Berlin-Charlottenburg in 1921. Tehlirian was acquitted of the murder of Talaat in view of the crimes against humanity perpetrated by the Young Turk government. The German Ambassador, Wangenheim, for his part, left no doubt, as early as July 7, 1915, as to the premeditation of the events: "these circumstances and the manner in which the deportation is being carried out are a demonstration of the fact that the government is indeed pursuing its goal of exterminating the Armenian race in the Ottoman Empire." (Letter concerning the extension of the deportation measures to provinces not under threat of invasion by the enemy [No. 106 in the collection *Deutschland und Armenien, 1914-1918*] in the Wilhelmstrasse archives and published by the Rev. Lepsius.)

In 1971, the United Nations Commission on Human Rights asked its Subcommittee on the fight against discriminatory measures and the protection of minorities, comprising independent experts, to undertake a "study of the question of the prevention and punishment of the crime of genocide."

In 1973 and 1975, the two interim reports which were submitted to the Sub-

Committee by the special rapporteur contained a paragraph 30 which read as follows: "In modern times, attention should be drawn to the existence of fairly abundant documentation relating to the massacre of the Armenians, considered as the first genocide of the twentieth century."

In the final report submitted to the Commission in 1979, the aforementioned paragraph 30 was omitted.

The Commission's Chairman observed that the omission had given rise to such a wave of protest that its effects were assuming proportions which had possibly not been anticipated by the author. He therefore invited the rapporteur, when putting the finishing touches to his report, to bear in mind this reaction and statements made by Commission delegates following the omission.

The special rapporteur never reported back to complete his mission and the Sub-Committee, in pursuance of Economic and Social Council Resolution 1983/33, appointed another special rapporteur with instructions to fully revise and update the study on the question of the prevention and punishment of the crime of genocide.

The Tribunal has found that the Turkish delegation, in opposing the adoption of the above-mentioned paragraph 30, essentially advanced the following arguments:

- that the facts alleged were a distortion of historical truth;
- that the term of genocide did not apply since the events concerned were not massacres but acts of war;
- and lastly, that harking back to events which took place as long ago as the beginning of the century would merely serve to stir up ill feeling.

On the first two points, concerning the facts and the law, the Tribunal has examined the arguments submitted in the case before it and trusts that in so doing it has contributed to meeting the wish of the Commission for Human Rights that efforts should be made to enable the Sub-Committee to complete its task taking into consideration all the material which has been submitted to it.

On the third point, the Tribunal can only observe that the refusal to adopt paragraph 30, quoted above, far from allaying concern, has given rise to passionate reaction.

I N L A W

I. On the Rights of the Armenian People

The Tribunal notes that the Armenian population groups which were the victims of the massacres and other atrocities which have been reported to it constitute a people within the meaning of the law of nations.

Today, this people has the right of self determination in accordance with Article 1, S2 of the United Nations Charter and the provisions of the Universal Declaration of the Rights of Peoples adopted in Algiers on July 4, 1976. It is incumbent upon the international community, and primarily, on the United Nations Organization, to take all necessary measures to ensure the observance of this fundamental right, including measures the prime object of which shall be to enable the effective exercise of that right.

The Tribunal wishes to stress the special obligations which are placed upon the Turkish state in this regard arising from the general rule of the law of nations as well as from individual treaties to which it has been party and which date back approximately one hundred years. In this connection, the Tribunal draws special attention to the fact that by virtue of Article 61 of the Treaty of Berlin, the aforementioned state entered into an obligation as early as 1878 to assign to the Armenian people within the Ottoman Empire a regime guaranteeing its right to flourish in a climate of security under the supervision of the international community. The Tribunal also notes that promises of self determination which were made to the Armenian people at the time of the First World War were not kept, since the international community unduly permitted the disappearance of an Armenian state which in principle had been clearly recognized both by the Allied and associated Powers and by Turkey itself in the Treaty of Batum.

The fact that the right of this state to peaceful existence within recognized borders as a member of the international community has not been observed, no more than was the right of the Armenian population to exist peacefully within the Ottoman Empire, cannot however be considered as effectively extinguishing the rights of the Armenian people, or of relieving the international community of its responsibility toward that people.

The Tribunal records that the fate of a people can never be considered as a purely internal affair, entirely subject to the whims, however well intentioned, of sovereign states. The fundamental rights of this people are of direct concern to the international community, which is entitled and duty bound to ensure that these rights are respected, particularly when they are openly denied by one of its member states.

In this particular case, this conclusion is still further corroborated by the fact that, even before the right of peoples to self determination was explicitly affirmed by the United Nations Charter, the rights of the Armenian people had already

been recognized by the states concerned under the supervision of representatives of the international community.

II. On the Charge of Genocide

a) General rules applicable to charges of genocide

According to the Convention on the Prevention and Punishment of the Crime of Genocide, which was adopted by the United Nations General Assembly on December 9, 1948, genocide is "a crime under international law," "whether committed in time of peace or in time of war" (Article I.).

"Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group." (Article II.)

According to Article III: "The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide."

Lastly, Article IV stipulates that persons guilty of one of the aforementioned acts shall be punished: "whether they are constitutionally responsible rulers, public officials or private individuals."

The Tribunal considers that these provisions must be accepted as defining circumstances in which genocide is to be punished in accordance with the law of nations, in spite of the fact that certain broader definitions exist.

This convention formally came into force on January 12, 1951 and was ratified by Turkey on July 31, 1950. It should not be inferred from this, however, that acts of genocide cannot be the object of an indictment in law if such acts were committed either before the convention came into force or within the territory of a state which had not ratified the Convention. While it is true that the Convention places upon signatory states obligations to prevent or punish a crime which is not defined in any other instrument, it must nevertheless be judged to be declaratory of law inasmuch as it condemns genocide itself.

This declaratory force of the instrument arises from the wording of the Convention itself. In the preamble, the contracting parties "recognize that throughout history, genocide has inflicted severe losses on humanity" and "confirm" in Article I that genocide constitutes a crime in the law of nations. This confirmation

necessarily implies that this crime existed before December 9, 1948. It is, moreover, generally acknowledged by international legal doctrine, which reflects the undeniable reality of a collective conscience of states. It is of little consequence that the term "genocide" itself was only recently coined. The only point of relevance is that the acts which it describes have long been condemned.

Once such declaratory force is accepted, the Tribunal is not required to determine the precise date of origin of the rule proscribing genocide codified by the Convention. It is sufficient for the purposes of the Tribunal to establish that this rule was indisputedly in force at the time when the massacres described to it were committed. Indeed, it emerges clearly from the deeds that have been done and the statements that have been made arising from the Armenian question, however justifiable these may or may not be or have been for various reasons, that the "laws of humanity" condemned the policy of systematic extermination pursued by the Ottoman government. The Tribunal wishes to stress in this regard that such laws, however pressing the need for their formalization at the present time, do not merely reflect imperative moral or ethical rules: they also express positive legal obligations which cannot be ignored by states on the pretext that they have not been expressed formally in treaties, as is confirmed by the example of the Martens clause in the area of the law of warfare. Moreover, the condemnation of crimes committed during the First World War bears out the belief of states that such crimes could not be tolerated legally even though no written rules explicitly forbade them. The Tribunal recalls in this connection that such condemnation was pronounced on crimes against humanity as well as war crimes; it should furthermore be emphasized that Article 230 of the Treaty of Sevres expressly invoked the responsibility of Turkey in massacres perpetrated on Turkish territory. Certainly this treaty has not been ratified, and the obligation of punishment which it stipulated has therefore never operated; however, this fact does not detract from the clear manifestation afforded to us today by the content of that treaty that the states of that time were indeed conscious of the illegality of the crime which we now call genocide.

For these reasons, the Tribunal considers that genocide was already prohibited in law from the time of the first massacres of the Armenian population, since the 1948 convention served only to give formal expression, and indeed in a qualified formulation, to a rule of law which is applicable to the facts which formed the basis of the charge brought before this tribunal.

b) The Charge of Genocide of the Armenian People

The following observations would seem to be necessary on examination of the evidence which has been submitted to the Tribunal, the substance of which is reported below.

There can be no doubt that the Armenians constitute a national group within the definition of the rule outlawing genocide. This conclusion is all the more evident since they constitute a people protected by the right to self determination

which necessarily implies that they also constitute a group, the destruction of which is outlawed by virtue of the rule pertaining to genocide.

There is no doubt regarding the reality of the physical acts constituting the genocide. The fact of the murder of members of a group, of grave attacks on their physical or mental integrity, and of the subjection of this group to conditions leading necessarily to their deaths, are clearly proven by the full and unequivocal evidence submitted to the Tribunal. In its examination of the case the Tribunal has focussed primarily on the massacres perpetrated between 1915 and 1917, which were the most extreme example of a policy which was clearly heralded by the events of 1894-1896.

The specific intent to destroy the group as such, which is the special characteristic of the crime of genocide, is also established. The reports and documentary evidence supplied point clearly to a policy of methodical extermination of the Armenian people, revealing the specific intent referred to in Article II of the Convention of December 9, 1948.

This policy took effect in actions which were attributable beyond dispute to the Turkish or Ottoman authorities, particularly during the massacres of 1915-1917. The Tribunal notes on the one hand, however, that in addition to the atrocities committed by the official authorities, the latter also used malicious propaganda and other means to encourage civilian populations to commit acts of genocide against the Armenians. It is further observed that the authorities generally refrained from intervening to prevent the slaughter, although they had the power to do so, or from punishing the culprits, with the exception of the trial of the Unionists. This attitude amounts to incitement to crime and to criminal negligence, and must be judged as severely as the crimes actively committed and specifically covered by the law against genocide.

On the evidence submitted, the Tribunal considers that the various allegations (rebellion, treason, etc.) made by the Turkish government to justify the massacres are without foundation. It is stressed, in any event, that even were such allegations substantiated, they could in no way justify the massacres committed. Genocide is a crime which admits of no grounds for excuse or justification.

For these reasons, the Tribunal finds that the charge of genocide of the Armenian people brought against the Turkish authorities is established as to its foundation in fact.

c) The Consequences of the Genocide

The Tribunal recalls that, as is the case with all other crimes against humanity, genocide is by definition a crime to which no statute of limitations can apply by virtue of general international law, as confirmed by the Convention on the Non-Applicability of Statutes of Limitations to War Crimes and Crimes against Humanity, which was adopted by the United Nations General Assembly on November 26, 1968.

All those responsible for the massacres, whether "they are constitutionally responsible rulers, public officials or private individuals" are thus subject to penalties, which states are under an obligation to apply in order to observe the guarantees attached to the exercise of the enforcement of justice.

Apart from the question of penalties, genocide is furthermore a violation of the law of nations for which the Turkish state must assume responsibility. Its first duty arising from this position lies in a basic obligation incumbent upon it to admit the facts without seeking to dissemble and to deplore the commission of this act. This in itself would constitute minimal redress for the incalculable moral injury suffered by the Armenian nation.

The Tribunal wishes to draw special attention to the fact that international practice as applied to the Turkish state since the time of these events affords sufficient legal basis to establish that the identity and continuity of this state have not been affected by the upheavals in the country's history since the dissolution of the Ottoman Empire. Neither its territorial losses nor the reorganization of its political system have been such as to detract from its continued identity as a subject of the law of nations. Consequently, it cannot be considered that successive Turkish governments since the constitution of a Kemalist republic are justified in refusing to assume a responsibility which remains with the state they represent in the international community.

The Tribunal further notes that nothing in the statements or conduct of the Armenian people or of states sharing the responsibility of safeguarding its rights can be interpreted as implying their waiver of the blame attaching to those guilty of the genocide. Like its predecessors, the present Turkish government is therefore bound to assume this responsibility.

A crime of this nature violates obligations which are so essential to the international community that the authors of a recent draft Article on the responsibility of states have rightly described it as an "international crime of state" within the meaning of the law on the responsibility of states, in other words, no longer within the purview of ordinary criminal law. As a result, and as is indeed confirmed by the special obligations of the international community toward the Armenian people, any member of this community has the right to call the Turkish state to account regarding its obligations, and in particular, to elicit official recognition of the genocide should this state persist in denying it, and is furthermore authorized to take any measure of aid and assistance on behalf of the Armenian people as provided by the law of nations and the Declaration of Algiers, without being accused in so doing of illicit interference in the affairs of another state.

Finally, it is incumbent upon the international community as a whole, and more especially through the United Nations Organization, to recognize the genocide and to assist the Armenian people to this end. Indeed, it cannot be considered entirely justified, neither in allowing a crime to be committed against one of its peoples which it is obligated to protect in the same way as any one of its states, nor in tolerating the wrongful denial of such a crime until today.

The Armenian genocide which took place during the First World War was the first act of its kind in a century during which genocide and the horror associated with it have, alas, become widespread.

The perpetration of such atrocities has not been confined to societies which certain people might describe as underdeveloped. On the contrary, in some cases they have been committed by nations generally considered to be the most developed and the most scientifically advanced. In fact, the most significant example in the whole of the twentieth century involved the application of advanced technology and sophisticated organization in the genocide of the European Jews by the Nazis, a genocide which caused human suffering to a degree barely conceivable and which ultimately led to the extermination of approximately six million people.

In previous sessions, the Tribunal has had occasion to condemn genocides committed against the people of El Salvador (decision of February 11, 1981), the Maubere people of Eastern Timor (decision of June 21, 1981), and the Indian people of Guatemala (decision of January 31, 1983).

The Tribunal notes that one of the most serious consequences and one of the most disturbing effects of genocide — above and beyond the irreparable wrongs inflicted upon its immediate victims — is the degradation and perversion of humanity as a whole.

F O R T H E S E R E A S O N S

in answer to the questions which were put to it, the Tribunal hereby finds that:

- the Armenian population did and do constitute a people whose fundamental rights, both individual and collective, should have been and shall be respected in accordance with international law;
- the extermination of the Armenian population groups through deportation and massacre constitutes a crime of genocide not subject to statutory limitations within the definition of the Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948. With respect to the condemnation of this crime, the aforesaid Convention is declaratory of existing law in that it takes note of rules which were already in force at the time of the incriminated acts;

- the Young Turk government is guilty of this genocide, with regard to the acts perpetrated between 1915 and 1917;
- the Armenian genocide is also an “international crime” for which the Turkish state must assume responsibility, without using the pretext of any discontinuity in the existence of the state to elude that responsibility;
- this responsibility implies first and foremost the obligation to recognize officially the reality of this genocide and the consequent damages suffered by the Armenian people;
- the United Nations Organization and each of its members have the right to demand this recognition and to assist the Armenian people to that end.

ERRATUM

The date on page 9, line 9
should read 1908



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