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General debate

Culture of peace

Right of peoples to self-determination

**The responsibility to protect and the prevention of
genocide, war crimes, ethnic cleansing and crimes
against humanity**

Letter dated 9 December 2020 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I am writing to you in connection with the letter dated 16 October 2020 from the Permanent Representative of Turkey addressed to the Secretary-General ([A/75/525-S/2020/1024](#)), which contains deceptive allegations and fabricated accusations that seek to blame the victim, whitewash history and cover up the crimes that have deeply shocked the conscience of humanity.

The statement that the massacres of the Armenian population in the Ottoman Empire could not constitute genocide because these events predated the legal concept of “genocide” lacks historical, legal and moral validity. The prominent jurist Raphael Lemkin, who originally formulated and presented to the League of Nations the concept of genocide in the early 1930s, referred to the Ottoman extermination of the Armenians as a seminal example of the crime, for which the term “genocide” was coined by Lemkin, paving the way to the adoption of the Genocide Convention in 1948.¹

It was precisely in the historical context of the systematic killings of the Armenians in the Ottoman Empire that the modern term “crimes against humanity” appeared, used officially for the first time by the Allied Powers in their Joint Declaration in May 1915, which represents the origin of the use of the term as the label for a category of international crime.²

¹ February 1949 episode of “U. N. Casebook,” a CBS television program about the workings of the United Nations, www.youtube.com/watch?v=F57pgpr_jdw.

² Report of the United Nations War Crimes Commission, <https://undocs.org/E/CN.4/W.19>.



The factual evidence documenting the Armenian Genocide is abundant and overwhelming, backed by a century of meticulous historical scholarship. A very well-known human rights issue of its time, the Armenian Genocide was regularly reported in the international media and extensively documented in the official records in various parts of the world. There exist countless eyewitness accounts of missionaries, relief workers, survivors and diplomats confirming what United States Ambassador to the Ottoman Empire Henry Morgenthau called “a campaign of race extermination.”³

Pages of the present letter would not suffice to provide an exhaustive list of official evidence, such as the British Parliamentary Blue Book compiled by Lord Bryce and Arnold Toynbee,⁴ the Austrian and German foreign office records,⁵ and a multitude of other sources, including the Ottoman Gazette, which recorded the confessions of government and military officials during the Constantinople war-crimes tribunal held after World War I.

I will confine myself to referring to the extensive and repeated consideration of this issue by the International Association of Genocide Scholars, an organization of the world’s foremost experts on genocide, which, in 1997, unanimously passed a formal resolution affirming the fact of the Armenian Genocide. In 2006, the International Association of Genocide Scholars published an open letter explicating that “scholars who deny the facts of genocide in the face of the overwhelming scholarly evidence are not engaging in historical debate, but have another agenda. In the case of the Armenian Genocide, the agenda is to absolve Turkey of responsibility for the planned extermination of the Armenians – an agenda consistent with every Turkish ruling party since the time of the Genocide in 1915”.⁶

Turkey’s denial of the crimes committed in 1915 is contrary not only to historical evidence but also to the findings of the reports mandated by the United Nations, including the Report of the United Nations War Crimes Commission of 1948, which not only contains details of the Armenian Genocide, but also uses the events of 1915 as a historic example and precedent to Articles 6 (c) and 5 (c) of the Nuremberg and Tokyo Charters, and thereby as a precursor to the United Nations Genocide Convention.⁷

In 1985, the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the United Nations Commission on Human Rights adopted the report on the question of the prevention and punishment of the crime of genocide prepared by B. Whitaker, which, precisely in the face of the Turkish government’s forceful denial campaign, confirmed that the systematic Ottoman massacres of Armenians in

³ Telegram of United States Ambassador Henry Morgenthau to the Secretary of State, August 1915, <https://history.state.gov/historicaldocuments/frus1915Supp/d1406>.

⁴ “The Treatment of the Armenians in the Ottoman Empire 1915-16. Documents presented to Viscount Grey of Fallodon, Secretary of State for Foreign Affairs” by Viscount Bryce, Printed Under the Authority of His Majesty’s Stationery Office by Sir Joseph Causton and Sons, Limited, London, 1916.

⁵ “The Armenian Genocide: Evidence from the German Foreign Office Archives, 1915–1916”, by Wolfgang Gust, Berghahn Books, 2013.

⁶ Open Letter of the International Association of Genocide Scholars dated 1 October 2006, <https://genocidescholars.org/wp-content/uploads/2019/04/Scholars-Denying-Armenian-Genocide-.pdf>.

⁷ Report of the United Nations War Crimes Commission, <https://undocs.org/E/CN.4/W.19>.

1915 without any question meet the criteria for the United Nations definition of genocide and as one of the genocides of the 20th century.⁸

More recently, the United Nations Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence jointly expressed concern regarding Turkey's reported denial of the Armenian Genocide and ensuing lack of progress in establishing the truth and ensuring justice.⁹

There is no shortage of evidence supporting the overwhelming consensus among historians and genocide scholars alike regarding the Armenian Genocide. The issue is, therefore, not for historians, who have done their part a long time ago. It is an issue for the present, an issue of political courage and basic human decency. When the Representative of Turkey contends that the events, during which roughly 1.5 million Armenians, as well as Greeks and Assyrians living in Ottoman Turkey were slaughtered or sent on death marches to the Syrian desert are “the subject of a legitimate debate protected under the freedom of expression,” I am concerned that Turkey seeks to use freedom of expression as both a sword and a shield. After all, Turkey still maintains Article 301 of its Penal Code, which criminalizes statements considered “insulting” to the Turkish nation,¹⁰ and I am assuming this is what the Permanent Representative of Turkey implies when he refers to statements about the Armenian Genocide as “defamatory.”

Indeed, it appears that only the *denial* of the Armenian Genocide is protected in Turkey under “freedom of expression,” as journalist Hrant Dink was prosecuted three times under Article 301 for addressing Turkish-Armenian issues, before his assassination in 2007.¹¹ In 2005, Nobel Laureate Orhan Pamuk faced prosecution for his comments that thousands of Kurds and one million Armenians were murdered in Turkey.¹²

In Turkey, the denial of the past crimes and persecutions of Armenians goes beyond the genocide issues strictly understood. The Turkish prosecutors have recently filed a motion to remove the parliamentary immunity of Garo Paylan, after he posted on social media calling for Turkey to cease its support for Azerbaijan's hostilities in Nagorno-Karabakh¹³ – well-documented involvement, which the Representative of Turkey has been trying to deny by putting forward counter-accusations, claiming that Armenia “recruited foreign terrorist fighters and mercenaries from a number of countries”, and that “Yerevan is receiving support from some terrorist groups, primarily the People's Protection Units/Kurdistan Workers' Party (YPG/PKK)”. Notably, these claims are made without providing any credible, documented evidence whatsoever, for the simple reason that there exists none.

⁸ Revised and updated report on the question of the prevention and punishment of the crime of genocide Prepared by Mr. B. Whitaker, United Nations Economic and Social Council Commission on Human Rights Sub-Commission on Prevention of Discrimination and Protection of Minorities Thirty-eighth session, Item 4 of the provisional agenda, 2 July 1985. <https://undocs.org/E/CN.4/Sub.2/1985/6>.

⁹ Joint communication by several mandate holders dated 25 March 2019 addressed to the Government of Turkey, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24294>.

¹⁰ Penal Code of Turkey https://www.legislationline.org/download/id/6453/file/Turkey_CC_2004_am2016_en.pdf.

¹¹ Turkey: Outspoken Turkish-Armenian Journalist Murdered, www.hrw.org/news/2007/01/19/turkey-outspoken-turkish-armenian-journalist-murdered#.

¹² “On Trial” by Orhan Pamuk, www.newyorker.com/magazine/2005/12/19/on-trial.

¹³ How Turkey's Military Adventures Decrease Freedom at Home www.nytimes.com/2020/10/15/opinion/armenia-azerbaijan-conflict.html.

Given the fabricated nature of Turkey’s allegations, it comes as no surprise that, while the Permanent Representative of Turkey has chosen to blame Armenia for Azerbaijan’s military actions unleashed in Artsakh (Nagorno-Karabakh) amidst the global pandemic, however, his letter does not supply any documentary evidence for his claim of so-called Armenian provocations, which would be necessary to evaluate his claims of “self-defense” as timely and with a proportionate use of force. Contrary to the Turkish assertion, however, Azerbaijan’s military actions are not justified as “self-defense” under international law, nor are they in keeping with the right of the people of Artsakh to self-determination – a right which is recognized and protected under customary international law and which none of the United Nations Security Council resolutions ever adopted circumscribe. Accordingly, it is difficult to understand what exactly the Permanent Representative of Turkey refers to when he states that Turkey has adopted a “principled position regarding the Nagorno-Karabakh conflict” and “support[s] a solution to the problem on the basis of international law.”

The Representative of Turkey appears to express outrage that the Republic of Armenia, relying on documented evidence and independent reports, has been raising the issue of Turkey’s direct involvement in recruiting and supplying mercenaries from Syria to assist Azerbaijan, despite the undeniable fact that such “absurd and unsubstantiated allegations” have been verified and confirmed at multiple levels, including by the Working Group on Mercenaries of the United Nations Human Rights Office of the High Commissioner of the United Nations. The Working Group’s statement of 11 November 2020 explains, that, “reports indicate that Turkey engaged in large-scale recruitment and transfer of Syrian men to Azerbaijan through armed factions, some of which are affiliated with the Syrian National Army” and expresses concern about the use of such mercenaries.¹⁴ It needs to be stressed, in this regard, that the verified recruitment of thousands of foreign terrorist fighters from Syria and their transfer to the Nagorno-Karabakh conflict zone by Turkey has been an official state action, while the Republic of Armenia has no ties whatsoever to terrorist groups and condemns acts of terrorism under all circumstances.

While I am concerned about the inappropriate tone of the letter of the Representative of Turkey, unfortunately, this comes as no surprise and represents yet another manifestation of the long-standing policy of cultivation of the current climate of hate speech directed against not only citizens of Armenia, but against people of Armenian descent worldwide. In this regard, such remarks from government representatives become a matter of not only style but substance, as many representatives at the highest levels of Turkey’s government do not hide their contempt for ethnic Armenians, frequently referring to them with such derogatory terms as “remnants of the sword” (a paradoxical term that appears to celebrate the Armenian Genocide, which Turkey continues to deny) among other terms.¹⁵

In recent weeks alone, we have witnessed numerous hate crimes perpetrated against ethnic Armenians in Europe and the United States. For example, in France, the ‘Grey Wolves’ – an ultra-nationalist group linked to Turkey’s Nationalist Movement Party (MHP) – organized “Hunt for Armenians” marches in Lyon, attacked and injured peaceful Armenian demonstrators, and vandalized the Armenian Genocide memorial outside of Lyon.¹⁶ In Germany, the ‘Grey Wolves’ disseminated flyers to Armenian households stating, “We are with our Azerbaijani brothers and we will not allow Armenian infidel dogs to live comfortably in Germany. We know you

¹⁴ “Mercenaries in and around the Nagorno-Karabakh conflict zone must be withdrawn – UN experts”, www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26494&LangID=E.

¹⁵ Turkey: Erdogan uses “Leftovers of the Sword” hate speech www.genocidewatch.com/single-post/2020/05/11/turkey-erdogan-uses-leftovers-of-the-sword-anti-christian-hate-speech.

¹⁶ France bans Turkish ultra-nationalists: Who are the ‘Grey Wolves’? www.arabnews.com/node/1758216/world.

and we know where your kids are day and night.”¹⁷ In the United States, a community centre of an Armenian church in San Francisco was burned down, weeks after a nearby Armenian school was vandalized with anti-Armenian and pro-Azerbaijani graffiti.¹⁸ While one could, indeed, foresee that Turkey’s representatives will argue that these are not state-sponsored actors and thus will disclaim responsibility for their actions (despite, of course, using the same line of reasoning to accuse Armenia of killings conducted long before the Republic of Armenia even gained independence from the Soviet Union), or, again, accuse Armenia of “defamation”, one has to note that the mere tone of the letter, at the very least, does nothing to discourage these groups. Conversely, making unsubstantiated claims that Armenia “incites hostilities” and “targets ... hospitals, medical centres, school buildings and kindergartens” (when, in fact, it is Turkey’s ally Azerbaijan that has been proven to do so, with the extensive use of high-accuracy modern high-tech, precision-guided weapons), only serves to inflame the passions and anger of ultranationalists. As the assassination of Hrant Dink¹⁹ and the case of Ramil Safarov²⁰ demonstrated, policies of incitement to ethnic hatred and violence in Turkey and Azerbaijan directly result in murderous violence against Armenians.

To admit history is not a sign of weakness, but quite the opposite of it. Without truth and remembrance there is no genuine reconciliation. Armenians all over the world, who represent the fourth and fifth generation of the survivors of the Armenian Genocide, continue to face the burden of denial and justification of the heinous crimes committed 105 years ago. Today, Armenia as a state bears the duty to work at international platforms towards the prevention of future atrocities. Our track record is well known. As I write the present letter, on 9 December the United Nations is observing the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of This Crime instituted by the United Nations General Assembly resolution 69/323, which was initiated by Armenia in 2015 as part of our ongoing efforts to contribute to the global prevention agenda, to help the world deliver on the pledge of “Never again”.

As for the denialists of the Armenian Genocide, they only continue to do favour to perpetrators of subsequent genocides.

I kindly request that the present letter be circulated as a document of the General Assembly, under agenda items 8, 15, 71 and 135, and of the Security Council.

(Signed) Mher **Margaryan**
Ambassador
Permanent Representative

¹⁷ The Grey Wolves are Disseminating Threatening Flyers to Armenian Households in Germany, <https://zartonkmedia.com/2020/11/16/the-grey-wolves-are-disseminating-threatening-flyers-to-armenian-households-in-germany/>

¹⁸ Fire Burns Armenian Church Building Overnight in San Francisco: Arson Suspected, <https://sanfrancisco.cbslocal.com/2020/09/17/armenian-church-burns-san-francisco-arson-suspected/>.

¹⁹ Armenian Editor is Slain in Turkey, www.nytimes.com/2007/01/20/world/europe/20turkey.html.

²⁰ European Court Says Azerbaijan Wrong To Release Man Who Killed Armenian www.rferl.org/a/european-court-says-azerbaijan-wrong-to-release-man-who-killed-armenian/30635414.html.