

Reparations for the Armenian Genocide: Expectations versus Legal and Political Boundaries

Final Project
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The Armenian Genocide

- The Genocide occurred in the late 19th-early 20th centuries in the Ottoman Empire and reached its peak in 1915
- Armenia claims that, as a result of the massacres, approximately 1,500,000 people were killed
- Turkey, the successor of the Ottoman Empire, denies the accusations of the Armenians

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Reparations serve to acknowledge the legal obligation of a state, or individual(s) or group, to repair the consequences of violations — either because it directly committed them or it failed to prevent them. They also express to victims and society more generally that the state is committed to addressing the root causes of past violations and ensuring they do not happen again (ICTJ, 2018).

Research Questions

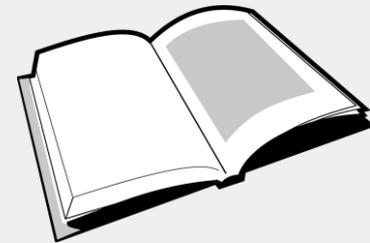
I – What reparations, if any, do the Armenians expect from Turkey by demanding recognition for the Armenian Genocide?

- a. What expectations, if any, does the Armenian youth have?
- b. What demands, if any, does the Armenian government put forward?

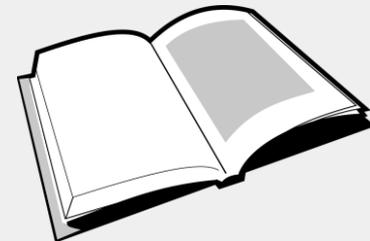
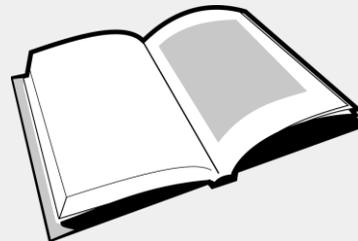
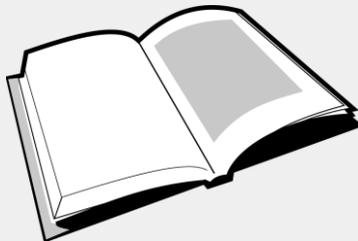
II – What legal grounds or limitations do the demands for reparations have?

Methodology

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II – What legal and grounds or limitations do the demands for reparations have?

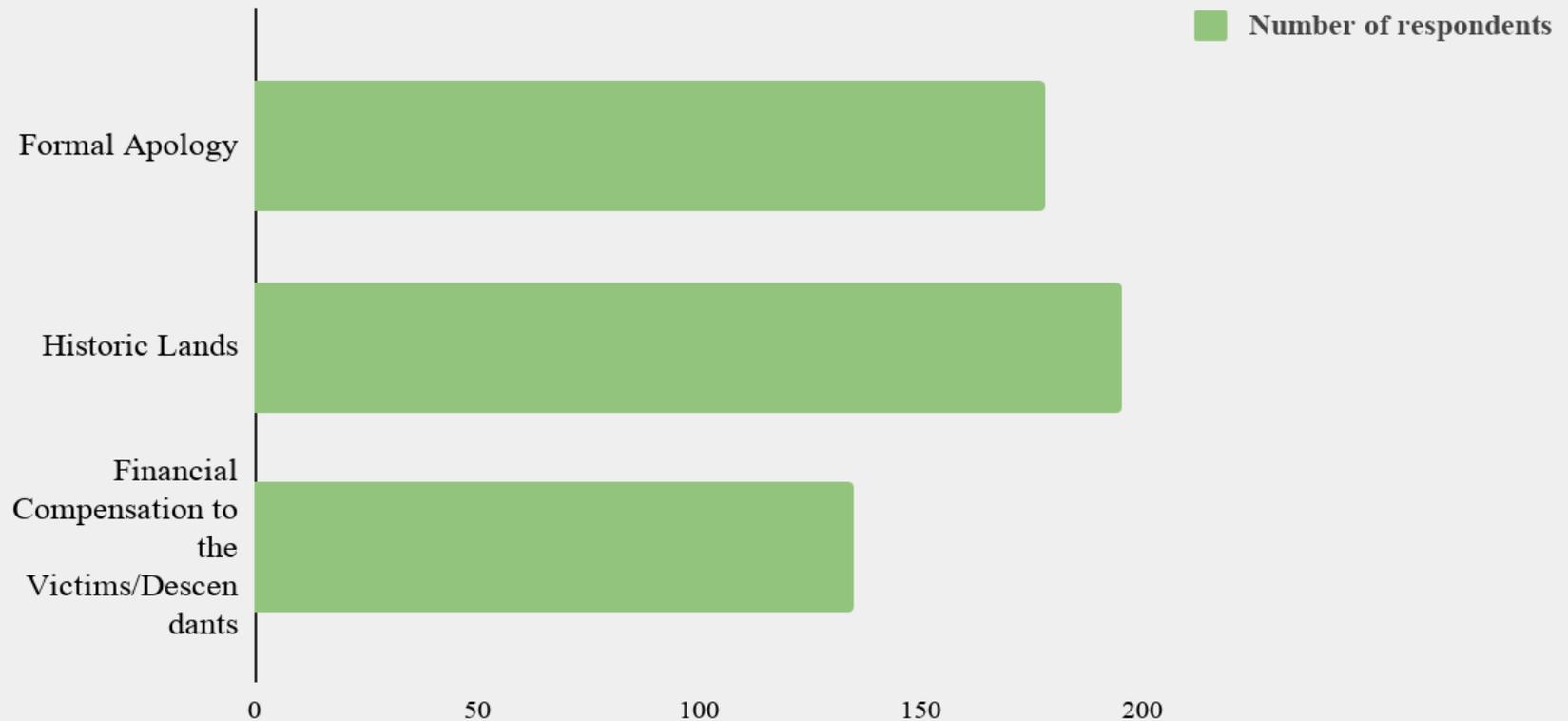


The Expectations of the Armenian Youth

- Multiple-choice survey
- 300 respondents from Armenia and the Diaspora
- Age: 18-35
- Questions related to the knowledge of the topic
- Questions related to the preferences of the reparations that should be pursued

The Expectations of the Armenian Youth

Most popular choices of the Genocide reparations that the Armenian Government should pursue:



The Position of the Armenian Government

- The recognition of the Armenian Genocide is a foreign policy priority
- No claims for reparations are made on an official level
- Armenia is ready to establish diplomatic relations, without viewing any of the claims related to the Genocide as preconditions

The Legal Framework of the Reparations

- International Criminal Court (ICC)
- European Court of Human Rights (ECHR)
- Foreign Domestic Courts



The International Criminal Court (ICC)

- Turkey is not a party or a signatory to the Rome Statute (1998)
- The Rome Statute cannot be applied retroactively (Article 24)
- The Statute cannot be used to launch proceedings against public (e.g. governments) or private organizations (Article 25)

The European Court of Human Rights (ECHR)

- Much like the ICC, the jurisdiction of the ECHR cannot be applied retroactively (Article 7)
- The European Convention on Human Rights does not include specific provisions on crimes such as genocide, but rather provides protection of fundamental liberties and rights
- Can potentially be used to seek reparation for property harm, but Article 7 still stands as an obstacle

Foreign Domestic Courts

- The jurisdiction of foreign domestic courts is limited in scope compared to that of international courts
- Traditional laws are unlikely to be made subject to reinterpretation (*ius humanitatis*)
- Traditional laws are affected by the limitations of the international laws

Limitations of the Research

- Perceptions of the Armenian youth are not based on a representative number and cannot be used to provide specific data
- There has not been enough time to go through separate court cases, especially with regard to foreign domestic courts
- The analysis of the international and national legal mechanisms is conducted through the examples of only three particular categories of courts

Conclusion

- In spite of the aforementioned limitations, it is clear that no contradiction exists between the views of the Armenian public (youth) and the Armenian Government
- The current legal avenues of pursuing reparations do not seem to be applicable to the case of the Armenian Genocide
- The Armenian Government, which does not currently make any claims for reparations, does seem to have made a correct decision by not pushing any such demands

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