

Dr. Luis Moreno Ocampo, 24. April 2024, Frankfurt/Main, Paulskirche

Thank you for inviting me to be with you on this important day.

We are here at the seat of the first German Parliament, remembering the beginning of the 1915 Armenian genocide. How did it start?

On the night of April 24, 1915, the Ottoman forces arrested in Istanbul hundreds of Armenian leaders. They were deported and killed. Targeting the leaders was the first step to destroying the Armenian community.

It's a bitter irony that the same strategy is applied again. At the end of September 2023, all the Armenians living in Artsakh were victims of genocide; they were removed by force and starvation from their ancestral land. More than twenty of them, including three former Artsakh presidents and five other community leaders, were incarcerated by Azerbaijan. They were deported to Baku, and they are still in jail.

Their captivity is part of the genocide and a message to their community: if you come back to Nagorno-Karabakh, you will be starved, incarcerated, or killed. The Armenian leaders became hostages.

There are no independent judges in Azerbaijan to protect their rights. Azerbaijan's US State Department 2023 Country Report on Human Rights Practices provided credible information about "torture and cruel, inhuman, or degrading treatment or punishment by members of the security forces; harsh and sometimes life-threatening prison conditions; arbitrary detention; serious problems with the independence of the judiciary; political prisoners and detainees."<sup>1</sup>

In 1915, German diplomats and consuls were sending countless messages to Berlin with details about the massacres; the German Ambassador in Constantinople reported to the Imperial Chancellor on July 7, 1915: "The government is indeed pursuing its purpose of eradicating the Armenian race from the Turkish Empire..." But they received a clear command from the authorities: "not to interfere and keep the confidentiality".

The German Chancellor explained, "Our only aim is to keep Turkey on our side until the end of the war, no matter whether as a result Armenians do perish or not..."

One hundred nine years later, after the Holocaust and the 1948 Genocide Convention, the German government has the chance to do something different. On Friday, the

---

<sup>1</sup> <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/azerbaijan/#:~:text=The%20government%20did%20not%20take,the%202020%20and%202022%20hostilities.>

current German chancellor will meet with President Aliyev. A genocide could not be ignored.

As a party to the Genocide Convention, Germany has the legal obligation to prevent genocide. That means to ensure that Armenians must return to their land in Nagorno-Karabakh and their leaders released.

Ursula Von der Leyen, as President of the European Commission, has repeatedly expressed the need for Azerbaijan's gas and described President Aliyev as a "reliable partner." I understand that Azerbaijan's supply represents around 3% of European gas. The provision is possible because Russia sells its gas to Azerbaijan for domestic consumption.

But whatever economic or political interest in maintaining a good relationship with Azerbaijan, those interests could not postpone the commission of genocide and the imprisonment of the Artsakh leaders.

I want to assist the Chancellor by providing detailed information.

Last Thursday, American Judge Honorable Gassia Apkarian, who was born in Lebanon to genocide survivors and was representing the Center for Truth and Justice, presented evidence and requested the Prosecutor of the International Criminal Court to investigate President Aliyev for genocide against ethnic Armenians.

The challenge in substantiating genocide often lies in proving intent to destroy a designated group. In many cases, perpetrators of genocide attempted to conceal their genocidal intent. Judge Apkarian exposed the consistent declarations made by President Aliyev during the last ten years, unequivocally demonstrating his intention to destroy ethnic Armenians.

As early as April 2015, President Aliyev published a statement on the government's official website warning ethnic Armenians: "If you do not want to die, then get out of Azerbaijani lands. [...]"

Last September, President Aliyev celebrated the forcible displacement of ethnic Armenians from Nagorno-Karabakh during several televised addresses, declaring, "I said that if they [ethnic Armenians] do not leave our lands of their own free will, we will chase them away like dogs, and we are doing that."<sup>2</sup>

Remarkably, Azerbaijan's Parliament, controlled by Aliyev, shows that Nagorno-Karabakh is not the final goal. It claimed the Republic of Armenia's territory as West Azerbaijan. It has adopted a resolution titled "Statement on the return of Western

---

<sup>2</sup> President of the Republic of Azerbaijan. (2020). "Ilham Aliyev addressed the nation", October 17. <https://president.az/en/articles/view/43334> ;

Azerbaijanis to their historical homeland," claiming its sovereignty over the entirety of Armenian territory. There is no doubt about the intention to destroy. It is a genocide approved by a Parliament.

Massive killings are not the only form of genocide. Starvation and mental harm are also forms of genocide prescribed by Article 2 (b) and (c) of the Genocide Convention. Both tactics were used against Armenians in Nagorno-Karabakh in full sight of the international community.

First, President Aliyev inflicted "conditions of life calculated to bring about the physical destruction of a group" (as defined by the Genocide Convention's Article 2 c). Aliyev's armed forces enforced an unlawful blockade of the Lachin corridor (the only lifeline to the outside world) for months, ignoring two binding orders from the International Court of Justice warning about the risk of genocide against the 120,000 Armenians living there.

Subsequently, in September 2023, Aliyev launched an unlawful military aggression to take control of the territory and to force its ethnic Armenian population to flee, producing serious mental harm, as requested by the Genocide Convention Article 2 b.

On September 21, 2023, at the UN Security Council meeting, the German Foreign Minister Ms. Annalena Baerbock recognized the factual circumstances required by the Genocide Convention. She said: "It is hard to imagine the hardship that the children, women, and men of Nagorno-Karabakh have been enduring for months after the Baku authorities effectively closed the Lachin corridor. Store shelves remained empty, medical supplies ran out, and electricity and gasoline were scarce."

And she also referred to the attacks. "Thousands have been forced to flee their homes. Azerbaijan has chosen to create facts on the ground by military force. We firmly condemn Baku's military assault and call on it to permanently and completely cease its military actions. A displacement and forced exodus of ethnic Armenians from Karabakh are not acceptable."

She nicely said: "The men, women, and children of Nagorno-Karabakh and the entire region deserve a life without fear – without fear of violence erupting again, fear of being forced from their homes or fear of being deprived of their rights, language, and religion. They, like all of us, deserve a life in peace." These are nice words, but they are not enough. Germany has the duty to prevent genocide.

Prevention does not require a court decision to decide whether genocide happened. Does not require evidence "beyond any doubt" as a criminal conviction. It does not require a "reasonable basis to believe" the standard to open an investigation. It is enough to know that there is a "serious risk" that genocide will be committed.

In its 2007 Bosnia v. Serbia judgment, the International Court of Justice established the principle that the state's "obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed."<sup>7</sup>

The International Court of Justice also considered that the duty of prevention requires to act on those "reasonably suspected of harboring specific intent (*dolus specialis*)."

The first step toward such prevention is to *recognize* the genocidal situation. Negotiation is needed to solve the differences between Azerbaijan and Armenians living in Armenia or Nagorno-Karabakh, but genocide is a limit impossible to ignore in a "constructive dialogue."

In addition, any assistance from Germany to President Aliyev or Azerbaijan that could be deemed to "facilitate" genocide could be considered complicity in genocide. President Aliyev repeatedly mentioned his advantages in "the geopolitical situation in the world and the region."<sup>3</sup>

On November 15<sup>th</sup>, 2023, Ambassador James O'Brien, the Assistant Secretary of State for European and Eurasian Affairs, recognized that Azerbaijan was stronger because of the oil and gas revenues and its relationships.

Denying the genocide constitutes a form of supporting Azerbaijan's geopolitical advantages. It is allowing it to continue causing mental harm to those removed from their ancestral lands in Nagorno-Karabakh and to those in jail in Baku.

Germany doesn't need to have the intention to destroy the group of Armenians living in Nagorno-Karabakh to be an accomplice of genocide. The ICJ said it would be enough for Germany to assist, knowing that Azerbaijan has such intention. "An accomplice must have given support in perpetrating the genocide with full knowledge of the facts."

Complicity of genocide "requires that some positive action has been taken to furnish aid or assistance to the perpetrators of genocide."

The risk of complicity is expanded by Germany's active role in the negotiation between Armenia and Azerbaijan, while Azerbaijan is committing genocide against Armenians in Nagorno-Karabakh and demanding full sovereignty to do it and using its gas to expand its geopolitical advantages.

---

<sup>3</sup> <https://www.euronews.com/2023/08/02/azerbaijans-president-aliyev-i-think-it-is-right-to-be-hopeful>

We are living in interesting times; humanity is deciding its future. This is a meeting to discuss our future.

December 2023 marks the 75<sup>th</sup> anniversary of the Genocide Convention's adoption, exposing that never again is an unfulfilled promise.

This is the perfect place to discuss humanity's future. Armenians know about genocide. Germany was able to recover from the Holocaust, became a party of the Genocide Convention and led the establishment of the International Criminal Court.

Germany's obligatio to prevent genocide requires to continue assessing President Aliyev's genocidal intention to attack Armenia, ensure reparations for those who have lost their lives and their property in Nagorno-Karabakh, guarantee the rights of the ethnic group to return to their ancestral land safely, and to release the "Armenian prisoners."