CAPTURE OF ARTSAKH: IMPLICATIONS OF ETHNIC CLEANSING AND GENOCIDE

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By Prof. Z. S. Andrew Demirdjian, Los Angeles, 5 November 2023

'Never again' is the rallying cry for all who believe that mankind must speak out against genocide.
Jon Corzine

On September 19 and 20, 2023, the Republic of Artsakh (Nagorno-Karabakh) was captured by Azerbaijani forces, guile, and brutality. The act is tantamount to the rape of a peace- loving nation, the ethnic Armenians' ancestral homeland.

The indigenous people of the Republic of Artsakh have reached the nadir of their sufferings. For over 3,000 years, they have continuously lived in their ancestral land. Within 24 hours of surprise heavy artillery and missile strikes against Artsakh's defense forces and unarmed civilians by Azerbaijan, the capital city of Stepanakert had to surrender.

The Azerbaijani military forces staged a blitzkrieg sneak attack at the people of Artsakh, killing 200 persons and wounding over 400 men, women, and children --despite a ceasefire agreement brokered by Russia, Armenia's so-called ally and partner, between Armenia and Azerbaijan on November 9, 2020.

President-dictator Ilham Aliyev was caught on camera trampling on Artsakh's flag. Is this the behavior of a president or of a barbarian? The act is akin to Azerbaijani's beheading of Armenian POWs as war trophies.

The consequence of this brutal attack was the exodus of the 120,000 population of Artsakh, a whopping 100,000 individuals were forced to seek asylum in their neighboring Armenia. The flight was triggered by a fear of war, violence, and persecution, including ethnic cleansing and genocide by Azerbaijan. Only some old people and the ailing were left in Artsakh.

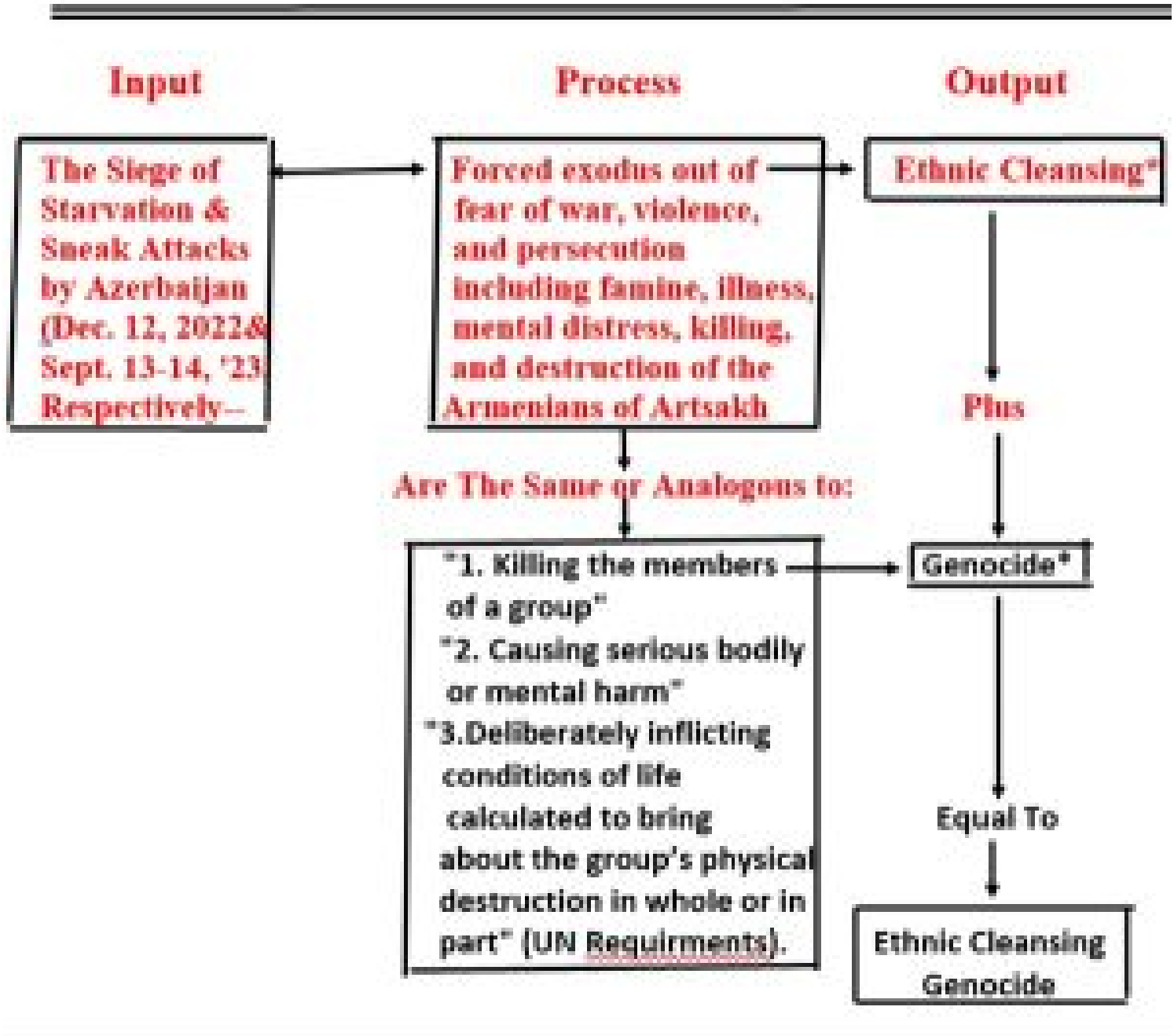
This tragic event was unfolding while the international community, especially the Russian peace-keepers, the U.S, EU, UN, etc. had become spectators to a heinous crime perpetrated by monstrous Aliyev who had breached his promises of ceasefire on multiple occasions with impunity.

For some experts, the forced evacuation constitutes ethnic cleansing of an unprotected people to deprive them of their homes and homeland; others, even proclaim it as genocide.

I would like to explore the contentions of the two schools of thought: that is to say, whether the brutal treatment of the people of Artsakh is ethnic cleansing or genocide. I would like also to raise the question whether it is possible that these two concepts are related and that they are the two sides of the same coin? I shall also discuss the implications of each concept in the hope of being osome help to the tormented and exiled people of Artsakh.

The Ethnic Cleansing Genocide of Artsakh:

The Input Variables Required for Ethnic Cleansing
Are The Same or Analogous to Variables As The Input for Genocide



***Note: Since both Ethnic Cleansing and Genocide share the same or analogous input variables (i.e., crimes, inflictions) as well as the results (output factors) they are the same or parallel crimes against humanity. In other words, what Azerbaijan has done during the starvation siege of December 12, 2023 and after the surprise assault on Artsakh to capture Stepanakert on**

September 19 and 20, 2023 by shelling it indiscriminately and killing people is "Ethnic Cleansing Genocide" or simply GENOCIDE of 2023. The heinous inhumane atrocities of Azerbaijan should be ruled by the UN as Artsakh's Ethnic Cleansing Genocide. As a result, the crime is punishable under the Genocide Convention Treaty.

Genocide Treaty

Upon Raphael Lemkin's coining of the term genocide based on the Armenian massacres and sufferings of 1.5 million during 1915-1923 periods by the Ottoman Empire, the United Nations (UN) first defined genocide in 1948 in the Convention on the Prevention and Punishment of the Crimes of Genocide. One way to define it is by stating genocide is "the crime of intentionally destroying part or all of a national, ethnic, racial, or religious group, by killing people or by other methods." We shall discuss ethnic cleansing later in this article.

As a result of the Convention on the Prevention and Punishment of the Crimes of Genocide, the treaty outlines the following five acts that can qualify as genocide if they are done "with the intent to destroy an ethnic, national, racial or religious group":

1. *Killing members of the group*
2. *Causing serious bodily or mental harm*
3. *Deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part*
4. *Imposing measures intended to prevent births*
5. *Forcibly transferring children.*

To constitute an act as genocide, the act must be done with intent to eliminate an entire group or part of the people. Without provable intent, a group or individual can still be guilty of "crimes against humanity" or "ethnic cleansing" but not of genocide.

Tribunals have historically struggled to establish a legal standard for genocidal intent. The task has defied a solution due to the fact that only a few perpetrators, with the notable exception of the Nazi regime, have left explicit plans detailing their intentions to eradicate groups.

Equally difficult is for the courts to decide on the punishment for genocide. The UN treaty addressing genocide states that any person or group committing the crime of genocide "shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals."

However, the UN treaty does not dictate the outcome of a genocidal conviction. Past sentences have shown a range from a mere 10 months to life in prison, depending on the person's role in the crime.

While the punishment for a crime of genocide is too little for the harm done to an ethnic group, the courts are more generous in granting restitution to the people for suffering material losses through

genocide of their people.

Overall, international courts have been toothless in convicting and punishing genocide perpetrators. Now, let us acquaint ourselves with this relatively new term Ethnic Cleansing.

Ethnic Cleansing

Ethnic cleansing refers to a situation when "an ethnic group is forced to leave their homes due to the fear of war, violence, or persecution." It's referred to the expulsion of a group from an area usually claimed as their homeland.

It should be noted that ethnic cleansing has not been recognized as an independent crime under international law. The term was employed in the context of the 1990s conflict in Yugoslavia and is considered to have come from the literal translation of the Serbo-Croatian expression of "*etnicko ciscenje*," meaning ethnic cleansing.

The term "ethnic cleansing" has been used in resolutions of the Security Council and the General Assembly of the UN. It has also been acknowledged in judgments and indictments of the ICTY (International Criminal Tribunal for the former Yugoslavia), although it did not constitute one of the counts for prosecution. A formal definition has never been provided.

Ethnic cleansing has not been officially defined by the UN or any relevant or related international organization. Furthermore, it is not recognized as a crime under international law according to the UN. As we shall see later, the required conditions between ethnic cleansing and genocide are not crystal clear.

Unlike genocide, international law lacks enforcement mechanisms for ethnic cleansing: it demands approval from an international community. Clearly it has not been effective.

The Critical Question

Here is the challenging question: Is the tragic event the people of Artsakh suffered a case of ethnic cleansing or genocide or both? Let us hone on our intellectual tools and see if we can answer the knotty question.

If we go through the five conditions to qualify a crime as genocide, we would see that the first requirement "Killing members of a group," the second requirement "Causing serious bodily or mental harm," and the third requirement "Deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part" support the position that ethnic cleansing may be the input to genocide.

Therefore, both are related concepts to criminalize the perpetrators of the crime against humanity.

Here is the supporting argument: On December 12, 2022, Azerbaijani so-called environmental activists, with Aliyev's consent, blocked the Berdzor (Lachin) Corridor, which is the only link to

connect Artsakh to Armenia and beyond. The deadly blockage, thus, prevented the flow of food, medicine, and fuel from the outside world. In other words, Azerbaijan weaponized siege starvation for nine months to make the people of Artsakh become hungry, weak, sick, and finally succumb to Aliyev's wish of controlling their ancestral land. Aliyev's premeditated plans worked with flying colors.

As a consequence of the siege, 30,000 children were traumatized, many people became ill, and some even died from lack of food, medicine, and heating fuel and electricity. The inflictions and afflictions of Azerbaijan are too numerous to list here.

Azerbaijan's corrupt leader laid a medieval style siege on Artsakh just as his Turkic brothers had done to Constantinople in 1453.

Psychological studies have shown that fear also has profound harmful effects on children as well as on adults' mental functioning. These bodily and mental inflictions upon the people of Artsakh are testimony to the fact that Aliyev wanted to destroy the native people of Artsakh and to terrorize them to leave their homes and farms so as to inhabit them with Azeris.

Aliyev's starvation siege is nothing but the 2nd and 3rd required acts for a crime to be considered genocide.

As for Aliyev's sneak attack on Artsakh, the killing of 200 persons and the wounding 400 civilians it is consistent with the first requirement of genocide, namely "Killing the members of a group." Had Artsakh not surrendered the casualties would have soared to many thousands.

These instances prove Aliyev wanted to starve people to death so that he could claim their ancestral land. For months, he even refused to let humanitarian aid to reach the people of Artsakh. We can conclude the whole act as being ethnic cleansing as a prelude to genocide.

Emin Husynov, special representative of Aliyev, recently announced Azerbaijan plans to settle 140,000 Azeris in Artsakh by 2026. Is this not a premeditated crime to deprive the indigenous people of their homes and homeland?

If what I say is convincing of Aliyev's intention to torture people with fear and famine, to force them into submission, then that assertion agrees with the second act of genocide condition: "Causing serious bodily or mental harm" and with the third genocide requirement "Deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part."

When there was a heavy shelling of Artsakh on September 19 and 20, people flew from their homes for safety; we call that ethnic cleansing. When Azerbaijan also made a surprise terror attacks and killings on the ethnic Armenian enclave, doesn't that constitute as part of a genocidal plan to overcome the people of Artsakh since it involved the killings and destruction of people? That twin crimes of ethnic cleansing and genocide are intertwined is obvious in this instance. Additionally, ethnic cleansing and genocide are the twins of crimes against humanity.

It would be logical to conclude that since Aliyev's weapons have killed unarmed civilians of Artsakh, the act is nothing but the first requirement for genocide: "Killing the members of a group."

To blow away the fog that blurs the difference between ethnic cleansing and genocide, we can draw the conclusion that through ethnic cleansing acts we can also arrive at genocide for both in ethnic cleansing and genocide the perpetrator is "1. Killing the members of a group," "2. Causing serious bodily or mental harm," and "Deliberately inflicting conditions of life calculated to bring about the group's physical destruction in whole or in part." What Aliyev did to the people of Artsakh is genocide. Armenians should capitalize on this crime of genocide to get help for the people of Artsakh.



In this picture, the teenager is crying for her father had been killed by the Azerbaijani offensive against the people of Artsakh. Her mother is also tearful in the background holding a new-born baby. Over 30,000 children of Artsakh have been terrorized, traumatized by Azerbaijan's indiscriminate bombing of Artsakh on September 19 and 20.

Fear, flight, destruction, killing, and the capture and the downfall of a native nation are ample evidence to convict President Aliyev of genocide

We have here a case of the emperor has no clothes. No one seems to challenge the status quo or question things that others around us are accepting. One wonders as to how many members of the

UN have failed to see that both ethnic cleansing and genocide are intertwined. The only explanation given to me by an erudite friend is that most of the members of the UN are superficially educated. A lot of them earned their positions at the UN on account of their loyalty and support given to the ruling political group of their country and not on their own merits.

According to Prof. James Silk (Yale Law School), "Your motivation may be that you want the people out, but if in doing that you intend to destroy the group, then it's also genocide." President Aliyev has expressed his intention on several occasions on TV to destroy the Armenians in order "to teach them a lesson".

Implications of Ethnic Cleansing and Genocide

The tendency has been to believe in ethnic cleansing of an ethnic group, but not genocide as mass or partial killings, which is rather regarded as an exaggeration of what truly had happened. In genocide, it becomes the story of who done it and for what intention. Therefore, it is advisable to use first ethnic cleansing to convince the audience or the reader, and then point out that ethnic cleansing is listed as the #1, #2, and #3 required conditions to qualify the act as genocide.

In other words, the implication is that to use "foot in the door" approach in persuading the audience or the reader and then indicate that, indeed, ethnic cleansing is the same as the #1, #2, and #3 genocide requirements or as the major instruments to bring on genocide.

Ethnic cleansing is as egregious as is genocide. The only difference is in abuses.

Finally, the Western nations or rather the international community should be held morally responsible for the plight and predicament of the Artsakh people. Soon the Armenian heritage of Artsakh will become the palimpsest of their past. The Armenian Diaspora should support the Artsakh refugees in their right to return to their homes as the indigenous people of their ancestral enclave.

The new generation of Armenians should never give up the dream of liberating Artsakh again for nobody knows what fortunes the future would bring. Morally and patriotically, the refugees from Artsakh should never, ever abandon their homeland of millennia with the help of the Republic of Armenia and its vast Diaspora.



A string of a long caravan of cars helping the natives of Artsakh flee Artsakh With a newborn determination, with unity. Armenia's new generation will reverse the directions of the caravans this time from their diaspora countries. They will head home again to their free and independent highlands of Artsakh of eons. Dreamers, not quitters, get what they wish for and work toward it diligently.

There are no comments yet.