

INDICT ERDOGAN, ALIYEV FOR CRIMES OF AGGRESSION

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Prof. Z. S. Andrew Demirdjian, Los Angeles, 11 October 2020

Azerbaijan-Turkey's blitzkrieg began unprovoked on Sunday, September 27, 2020, attacking Armenia and the Republic of Artsakh (Nagorno-Karabakh) by air and by land without making distinction between military posts and civilian population centers. We are at the brink of crisis: our brave soldiers are in the second week of defending against the joint forces of Azerbaijan, Turkey Jihadist ISIS mercenaries and Israel's war support.



The survivors and their descendants of the Armenian Genocide have led a herd behavior-type of life in Diaspora for over a century. Herd behavior means individuals in group acting collectively but without centralized direction. Thus, the Armenian Diaspora does not have democratically elected representatives to organize and lead people facing difficult times when their brothers and sisters are subjected to enemy bombardment of their homeland. We donate money since circumstances do not allow us to do more. But in fact we can do more: We can force the chief perpetrators of aggression (President Recep Erdogan of Turkey and President Ilham Aliyev of Azerbaijan) to face justice as soon as possible.

The Coalition for the International Criminal Justice (CICJ) is one of the world's largest civil society partnerships advancing international justice. It has brought presidents, generals, and rebel leaders to justice in national courts as well as through the International Criminal Court for committing atrocities.

The CICJ's definition of crime of aggression explains as to whom, when, and under what circumstances individuals (not groups) can be prosecuted for "unimaginable" human atrocities. The crime of aggression means as follows:

"The planning, preparation, initiation or execution, by a person in position effectively to exercise control over or to direct the political or military action of a state, of an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations."

It defines aggression as "the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations." These acts can be in the form of invasion, military occupation, and annexation

by the use of force, blockade by the ports or coasts. President Erdogan and President Aliyev have attacked military positions and towns in Armenia and Artsakh without provocation. Are they responsible for heinous crimes and who should be brought to justice? You bet they are for we have the evidence on video tape.

For the first time in history, individuals can bring presidents, generals and rebel leaders to justice in national courts and through the International Criminal Court. It is important to note that the International Criminal Court is the only permanent international judicial body to try individuals for crimes such as genocide, crimes against humanity, and war crimes. The court is independent having been established by international treaty, the Rome Statute. It can only prosecute crimes that occurred from 2002 onwards (the date of its establishment).

The ICJ C stands for "a more peaceful world through universal access to justice for victims of war crimes, crimes against humanity and genocide." A court was born out of Nazi crimes against humanity.

At the end of the Cold War, further advances were made, especially at the national level. Argentina, Brazil, and Chile let the charge in opening the door to prosecute individuals who had been in power for crimes against political opponents. While international cases can be time-consuming and more difficult to adjudicate, the trend to sue for crimes of aggression is in upward direction.

To prosecute a leader three elements are required: First, the perpetrator must be a political or military leader (i.e. someone in a position to effectively exercise control over or to direct the political or military action of a state). Second, the Court must prove that the perpetrator was involved in the planning, preparation, initiation or execution of such a state act of aggression. Third, such a state act must amount to aggression in line with the definition contained in the General Assembly resolution 3314, which must constitute "a manifest violation of the UN Charter."

Aliyev, Erdogan, and their senior military leaders should be brought to justice for war crimes committed since September 27, 2020 against civilians in Armenia and Artsakh. There is not an iota of a doubt that Erdogan's and Aliyev's criminality is cause for judicial investigation.

Let us cut to the chase on Azerbaijan. At this writing, Azerbaijani forces are shelling civilian targets of towns and cities. Aliyev will not relent: he attacked Armenia and Artsakh in the summer of 2014; again in April 2016; again in July 2020; and again in September 27, 2020 in stark violation of the 1994 ceasefire agreement. Aliyev has been the dictator of Azerbaijan since October 31, 2003. As for Turkey, it is a state controlled by a warmonger-dictator since 2002 who has advocated Azerbaijan's aggression toward Armenia. He has also been unable to bridle his macabre wish to resume the Armenian Genocide.

Erdogan and Aliyev are two peas in a pod. They brag, boast, and act bestially. We can easily indict them as international criminals. Video evidence from Artsakh and Armenia has been gathered to show their deliberate targeting of civilians. This kind of crime of aggression makes both guilty of

~~premeditated surprise attack and assault on the sovereignty of Armenia and Artsakh.~~

Amnesty International has already confirmed that Azerbaijan, Turkey, and ISIS jihadists are indiscriminately dropping cluster-bombs in residential areas of Armenia and Artsakh--an undeniable violation of U.S. and international law. As a result, U.S. should levy sanctions on the perpetrators.

Patriotism dictates Armenians around the world to rush to the rescue of their homeland. We have to do more than just donate money. Let us join forces to win this battle of survival.

The Armenian Diaspora is like a shattered butcher's knife; the pieces still cut, but not as efficiently and effectively if it were one whole piece. Many organizations in the Diaspora are going their own separate ways to help Armenia and Artsakh. Let us join forces to gain synergy by a united Diaspora. For information on how to obtain forms to file your complaint against the perpetrators, here is contact information of the Coalition for International Criminal Justice:

NEW YORK

155 E. 44th, Suite. 1715

New York, NY 10017, USA

Phone: 1-212-687-2863

Email: cicc@coalitionfortheicc.org

THE HAGUE

Bezuidenhoutseweg 99a

2594 AC The Hague

The Netherlands

Phone : +31-70-3111080

E-mail: cicc-hague@coalitionfortheicc.org

You may also contact:

Armenian Americans for Human Rights

(AAHR, founded in Mass. in 2018)

Belmont, MA 02478

aahumanrights@yahoo.com

David Boyajian is the Chair of the Board of Advisors.

Boyajian is a journalist, activist, and a prolific writer whose work appears frequently in Keghart.

There are no comments yet.