TAKE BAKU TO INTERNATIONAL COURT

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Z. S. Andrew Demirdjian, Ph.D., Los Angeles, 15 August 2016

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As usual, the Azeri war criminals have gone unpunished.

With the advent of organizations such as the International Criminal Court (ICC), the world community

is putting an end to impunity for war crimes by adjudicating crimes against humanity. An individual or a group can file a lawsuit against those who have engaged in heinous acts. It is high time for Armenians to use the ICC resources to bring the Azeri criminals to justice. Here's how to file a complaint (lawsuit) at the ICC.

The basic idea that human beings share certain natural, universal, and inherent rights goes back to John Locke's seminal *Two Treatises of Civil Government* (1690). Locke's contention is that abusers should be held accountable for their wrongs, or that others should interfere with how a government treats its own citizens and the citizens of other countries is of more recent origins. Armenians are being subjected to crime, and the world community is standing on the sideline reluctant to condemn the brutality of the Azeris.

It was only after the state-planned genocide of 1.5 million Armenians and the systematic murder of millions under Hitler's Third Reich that the world challenge the two long-standing principles of international relations: *nonintervention* (i.e., the legal obligation to refrain from involvement in the internal affairs of other states) and *sovereignty* (i.e., the widely shared belief that states are the principal actors in international relations and as such they are subject to no higher political authority, namely legal scrutiny, and thus are protected by impunity).

The Armenian Genocide and the Jewish Holocaust served as catalysts to the development of what is currently recognized as an international human rights movement. Following the Genocide and the Holocaust, the world community began to develop a variety of international norms to promote human rights and to institutionalize safeguards against the recurrence of atrocities. The main outcome of this movement was the creation of the Universal Declaration of Human Rights (UDHR) in 1948 (which is regarded as the most authoritative and comprehensive of all international statements on human rights). Among the standards states should aspire to uphold: civil and political rights, such as freedom of speech, freedom of religion, freedom from torture or cruel and unusual punishment, the right to due process, the right to self-determination, and so on.

Fueled by the UDHR, two prominent organizations were established to adjudicate abuses, atrocities, war crimes, and genocides: The International Court of Justice (ICJ) in 1946 and the other is the International Criminal Court (ICC) in 2002. Both courts are in The Hague, the Netherlands. The main difference between the two is that ICJ is a civil court that hears disputes between countries while the ICC is a criminal court that prosecutes individuals and groups.

Azerbaijani army officer proudly displays the beheaded Armenian-Yazidi regular soldier Qyaram Soloyan of the Nagorno-Karabakh Republic.

ICC is the one of interest to us here. One does not need an attorney to file criminal proceedings against a perpetrator. There are three major parts involved in the communication or a "letter of complaint" initiating a lawsuit:

1. First, the letter should be preferably written in English or French and addressed to the president or the prosecutor general of the ICC, indicating what is requested from the court to investigate. The letter should not exceed three pages and should be specific as to what the court is expected to perform within its jurisdiction. Ideally, the letter should be sent out registered to either the current president or the chief prospector: Ms. Silvia Fernandez de Gurmendi (President) or to Mr. Fatou Bensouda (Chief Prosecutor) at the following address: International Criminal Court, Oude Waalsdorperweg 10, 2597 AK Den Haag, Netherlands; Phone:+31 70 515 8515.

2. The letter should give a brief background regarding the incident. For example, it should list the Azeri criminals and their crimes committed against one's self or others, within one's own country or in a foreign state along with the name and address of the perpetrator(s). Request to the ICC to bring to justice the Azeri criminals and their crimes should be listed, for example, as follows:

Ilham Aliyev, President and Commander-in-Chief of the Azerbaijani Armed Forces
Zakir Hasanov, Colonel General and the Defense Minister of Azerbaijan
Najmaddin Sadigov, Col. General of the Azerbaijani Armed Forces
List also Ramil Safarov—the Azeri army officer who decapitated an Armenian soldier during NATO exercises in Hungary.

The address of the above individuals responsible for Azerbaijan's war crimes is:

Baku, AZ1073, Az 1073,
Parliament str.
Phone: (99412) 4394189, 4393108
Fax: (99412) 4394189
dmicipfp@asumo.baku.az

The letter should include, whether in the text or in an appendix, selective but compelling evidence of the crime committed by citing material witnesses, trustworthy media reports, and, of course, pictures of the victims who had either been killed or mutilated by the own acts or decisions or negligence of the perpetrator(s). Photos of the crimes should be included.
One does not need to be an attorney to bring a lawsuit against a person or persons charged with criminal acts. After signing the letter, one should not forget to put under his or her name contact information as to how and where and when he or she could be reached for clarification. The writer of the letter should not draw conclusions that so and so is guilty of crimes. The conclusion should leave conclusions implicit for the judges to state their verdict. The petitioner should not sound like an attorney, but a concerned citizen who believes humans and animals should be treated humanely even during war time.

Under the cover of darkness, Azerbaijani troops killed an elderly

couple sleeping in bed and then cut off their ears

While anybody can file a lawsuit, let's not forget the proven wisdom that there is strength in numbers. So, a concerted effort would have synergistic effect. Where are the great Armenian attorneys? Half of Glendale in California is made of world-famous Armenian trial lawyers! Why don't they take the professional step to condemn the criminals in the world court?

The "Minsk Group", co-chaired by France, the Russian Federation, and the United States, which spearheads the Organization for Security and Cooperation in Europe (OSCE), tasked as peace makers, should not put pressure on Armenians to give up the seven regions to Azerbaijan according to the so-called Madrid Principles. Artsakh needs these regions as buffer for security from murderers.

Once the ICC finds Azerbaijan guilty of crimes, the Minsk Group would relent in its conviction that Armenia should first cede the seven regions, and continue negotiations for the future of Artsakh. To say the least, this is a risky proposition for the safety of the people of Artsakh. Without the seven regions (historical Armenian lands), Azerbaijan's shelling capability would be closer to its targets. Deciding the future of Artsakh after giving up the seven regions would be akin to counting one's chickens before they are hatched.

Armenians are still lone-rangers. Through the benefit of a worldwide organization, we would have had a committee mostly composed of attorneys to take up such cases and try to bring abusers to justice. Regrettably, we are a fragmented nation even a century after the Genocide. Close your eyes for a moment and imagine you are living in one of Artsakh's border villages: as a Diasporan, you'd shudder at the thought of living in a border village such as Martakert, Madaghis, and Talish, where Azeri snipers, gunships, heavy artillery with the support of tanks looming over your village.

For maximum results, let us collectively file a suit which costs little time and effort but saves precious lives in Artsakh.