

Talks in the Service of Remembrance on 102nd Anniversary of Armenian Genocide

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Sunniva McDonagh Senior Counsel

Sunniva McDonagh is a Barrister since 1982 and Senior Counsel since 2008. Sunniva practices principally in the area of judicial review and fundamental rights, with a particular interest in fair trial rights and family rights in the context of immigration. She is an MEDR Accredited Mediator. Sunniva is currently a member of the Mental Health Tribunal, the Professionalism and Ethics Committee of the Irish Medical Council and was previously a member of the Refugee Appeals Tribunal. Sunniva graduated from UCD with a Bachelor of Civil Law, UCD with a Diploma in European Law and from the Open University with an MA in Moral and Spiritual Development.



It is important to consider the events of 1915 in a human rights context. The Universal Declaration of Human Rights in 1948 sought to give expression to the universal rights to which all human beings are entitled by virtue of their humanity and dignity as human beings. Human beings have the right to life, to freedom of expression and freedom of religion and the right to have these fundamental rights recognised by the State and relied upon against the State when it breaches them. This recognition means that limitations are imposed upon the State to prevent it from interfering in how individuals and groups exercise these rights. The origins of human rights law lie in an attempt to address the historical totalitarianism of the German State under the Nazis where the Jewish people had been subjected to persecution and extermination by State agents in circumstance where the Authorities could point to positive laws which permitted them to carry out these atrocities.

Some historians have said that when Hitler gave the order to invade Poland he had asserted “*who still talks nowadays of the extermination of the Armenians?*” Thus, historians have argued that Hitler reckoned that he could act without retaliation in imposing his Final Solution as the World had turned a blind eye to the evil events of 1915 in Armenia and would do so again. Thus the failure to acknowledge properly the wrongs perpetrated against the Armenian People have had significant repercussions on world events afterwards.

It is a crucial task to remember and acknowledge the Events of 1915. The true enormity of the crimes committed against the Armenians must be acknowledged so that the voices of the victims can be heard and also because a full analysis of these events may help avoid future conflicts.

There is a considerable body of legal opinion which hold that these Events amounted to Genocide and should properly be described as such. The crime of Genocide was created by the Convention on the Prevention and Punishment of the Crime of Genocide of 1948. It is a principle of international

law that treaties are not generally retrospective in their application. This is especially so when criminal offences are created.

However, the term “*genocide*” as used in the Convention to define the international crime of that name may properly be applied to events that occurred prior to the entry into force of the Convention provided the conditions of its definition are met. In other words, although there can be no prosecutions or sanctions imposed on the perpetrators at this remove the definition of Genocide can and should be applied to these Events of 1915.

In 2002 the International Centre for Transitional Justice issued a legal opinion to the effect that the most reasonable conclusion to draw from the various accounts of the events is that the requisite genocidal intent existed and accordingly legal scholars as well as others would be justified in describing the events as genocide. A similar conclusion was reached by Geoffrey Robinson QC, an internationally recognised human rights lawyer. He has written that the decision on whether events constitute genocide is one for legal judgment and one which is to be reached applying the modern law of genocide which has emerged from decisions of the International Court of Justice.

Mr. Robinson also explains that while every genocide is a crime against humanity, not all crimes against humanity amount to genocide. The distinction rests upon whether the perpetrator has the necessary racist or discriminatory intention to destroy the group in whole or in part. It is this element which makes genocide so heinous and attaches duties and penalties in international law that are more severe and better established than those attaching to crimes against humanity. Accordingly, establishing that a crime against humanity is also a Genocide is not simply a symbolic gesture but an acknowledgment that the necessary racist intent existed and therefore an acknowledgment of the true nature of the wrong.

We have already heard this evening of the importance of testimonial injustice which is so important from a philosophical point of view. Similarly international human rights law is increasingly recognising the importance of what is described as transitional justice which is a concept with considerable similarities.

Transitional justice is the full range of processes and mechanisms associated with society’s attempt to come to terms with the legacy of large scale past abuses in order to ensure accountability, serve justice and achieve reconciliation. Transitional justice consists of mechanisms such as prosecution initiatives, truth seeking, reparations programmes, institutional reform or an appropriate combination thereof. Transitional justice should further seek to account for the root causes of conflicts and the related violations of all rights including civil, political, economic, social and cultural rights. By striving to address the spectrum of violations in an integrated and interdependent manner, transitional justice can contribute to achieving the broader objectives of prevention of further conflict, peace building and reconciliation. One particular tool in transitional justice is the establishment of a truth commission as questions of why certain events were allowed to happen can be as important as explaining precisely what happened. The work of a truth commission can help a society understand and acknowledge a contested or denied history and in doing so bring the voices and stories of victims often hidden from public view to the public at large. So the tools of international human rights law very much recognise the principle of testimonial injustice that we have just heard about.

Establishing the truth of what happened in Armenia and remembering that Genocide is not merely of historical interest to the Armenian people but is also important for all of us so as to guard against similar atrocities in the future.

Pope Francis on the occasion of his visit to Yerevan on the 24th of June 2016 said:-

“I pay homage to the Armenian people who, illuminated by the light of the gospel, even at the most tragic moments of their history, have always found in the cross and resurrection of Christ the strength to rise again and take up their journey anew with dignity.... Having seen the pernicious effects to which hatred, prejudice and the untrammelled desire for dominion led in the last century, I express my lively hope that humanity will learn from those tragic experiences the need to act with responsibility and wisdom to avoid the danger of a return to such horrors. May all join in striving to ensure that whenever conflicts emerge between nations, dialogue, the enduring and authentic quest of peace, cooperation between states and the constant commitment of international organisations will always prevail, with the aim of creating a climate of trust favourable for the achievement of lasting agreement.”

The importance of remembering this genocide and seeking even at this remove to establish and acknowledge the truth of what happened is important in the world today where there is no other dreadful atrocities. In an interview he gave last week the Armenian ambassador to the Holy See, Mr. Minanyan, referred to the importance of right judgment in this matter. He was asked whether looking at the tragic situation of Christians in Egypt today the past can help us face the present and the future. I think we can all agree with him when he answered:

“This is what we Armenians believe in, and for which we have been tirelessly struggling for over a century. If then, one hundred years ago, the tragedy that struck my people was given the right judgment, as nations are doing belatedly in recent decades, we would probably have a different situation for Christians in the Middle East today.”

It's never too late to exercise our right judgment in relation to the Armenian Genocide.