

WHY PREVENTION FAILS: CHRONICLING THE GENOCIDE IN ARTSAKH

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Abstract

Azerbaijan's September 19, 2023 attack on the Republic of Artsakh resulted in the almost total displacement of the indigenous Armenian population, making it one of the most successful genocides in history. For over a year before Azerbaijan's attack, the Lemkin Institute for Genocide Prevention viewed Artsakh as the "perfect storm" for genocide prevention and was using as many strategies as possible to urge Western leaders to recognize the threat and take effective action. Any leader willing to challenge Azerbaijan diplomatically would have had the work of many genocide scholars and genocide prevention organizations to back them up. We still believe that coordinated pressure from the Western powers could have had a chance of avoiding genocide and may have resulted in finding a secure, and perhaps independent, space for Artsakh Armenians in their ancestral homeland.

This article aims to show how the case of genocide in Artsakh is an object lesson in how diplomatic silences, shaped by geopolitical interests, can provide the power framework in which genocide can easily take place, offer diplomatic cover for the state or organization committing the crime, and normalizing the crime within international relations. It proposes that the genocide in Artsakh ushered in a new "New Imperialism", in which the post-1945 law-based world order is jettisoned for raw power, threatened communities and unwanted peoples are less safe than they were before September 19, 2023, and genocide will become the order of the day – unless we find new mechanisms to prevent it.

Keywords: Genocide prevention, Nagorno-Karabakh, responsibility to protect, forced displacement, genocidal intent.

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Introduction

Azerbaijan's September 19, 2023 attack on the Republic of Artsakh resulted in the almost total displacement of the indigenous Armenian population, making it one of the most successful genocides in history. For over a year before Azerbaijan's attack, the Lemkin Institute for Genocide Prevention, where I am co-founder and Executive Director, was viewing Artsakh as the "perfect storm" for genocide prevention: the threat was clear, there was an abundance of evidence of genocidal intent within Azerbaijan's state and military and of genocidal acts against Armenians in previous wars, Artsakh was an historical enclave with clear borders, its population was over 99 percent Armenian, and all the large powers were heavily invested in Azerbaijan with leverage over its government. In addition, any leader willing to challenge Azerbaijan diplomatically would have had the work of many genocide scholars and genocide prevention organizations to back them up. We still believe that coordinated pressure from the Western powers would have had a good chance of avoiding genocide and may have resulted in finding a secure and autonomous, and perhaps independent, space for Artsakh Armenians in their ancestral homeland. Naturally, however, we will never know for certain the results of any prevention efforts, since so few were tried.

As we do know, for the three years between the 44-Day War in 2020 and the invasion of September 19, 2023, the Western powers were astonishingly silent about Azerbaijan's extreme Armenophobia and atrocity crimes – so silent, in fact, that it resembled a conspiracy of silence. As the September 19 genocide was underway, and in the days following the flight of almost the entire Artsakh Armenian population into the Republic of Armenia, one could be forgiven for assuming that Azerbaijan President Ilham Aliyev was in full control of not only the Western world but also the international community. Referring to this phenomenon with respect to the United States, the Washington Examiner columnist Michael Rubin quipped in April 2023 that Aliyev "treats [US Secretary of State Anthony] Blinken and key senators and representatives as useful idiots."¹ The "useful idiots" in the Western world seemed far too happy to oblige the dictator, granting him the diplomatic cover of a respectable "peace process" while he invaded, blockaded, threatened, and again invaded Armenian territory.

The most absurd example of the "useful idiot" syndrome was the United Nations mission to a completely depopulated Stepanakert, the capital of Artsakh, on 1 October 2023. Armenians had been calling for a UN mission to Artsakh throughout Azerbaijan's nine-month blockade that preceded the September 19 military attack, but since 2020 Azerbaijan had prevented the United Nations and all other international organizations from entering the territory.² When the mission finally arrived in October, none of the Armenians were left. According to a UN press release, the mission included representatives from the

1 Michael Rubin, "Washington needs a new approach on Nagorno-Karabakh," *Washington Examiner*, 19 April 2023, <https://www.washingtonexaminer.com/opinion/1414301/washington-needs-a-new-approach-on-nagorno-karabakh/>, accessed 03.09.2023.

2 Asbarez Staff, "TOO LATE: After 30 Years, UN Sends Mission to Stepanakert," *Asbarez*, 2 October 2023, <https://asbarez.com/too-late-after-30-years-un-sends-mission-to-stepanakert/>, accessed 03.10.2023.

Coordination Division of the UN Office for the Coordination of Humanitarian Affairs, the Food and Agriculture Organization, the UN Refugee Agency, UNICEF, the World Health Organization, the UN Office for the Coordination of Humanitarian Affairs, the UN Resident Coordinator's Office, and the UN Department of Safety and Security.³

The mission was operating fully within the Azerbaijani propaganda landscape, using, for example, the Azerbaijani toponym for the region, "Karabakh" instead of Nagorno-Karabakh (or Artsakh), and for the capital, "Khankendi" instead of Stepanakert, demonstrating in their own use of language the totality of Azerbaijan's genocide. Approaching the reality from the point of view of Azerbaijani propaganda, which was insisting that Armenians "left voluntarily," the mission reported that it "was struck by the sudden manner in which the local population left their homes and the suffering the experience must have caused," leaving unsaid why the "local population" may have behaved in this way. Its one-day visit, led by the UN's Resident Coordinator in Azerbaijan, also apparently included interviews. The report notes that the mission "did not hear – from either locals interviewed or others – of incidences of violence against civilians following the latest ceasefire." Finally, the report also observed that "there was no visible damage to public infrastructure, including hospitals, schools, housing, or cultural and religious structures." "Additionally," it added, "shops were closed."⁴

The UN mission was met with astonishment and anger among many Armenian politicians, human rights organizations, and supportive officials in foreign governments. French Senator Valérie Boyer called it a "masquerade."⁵ Armenian Ambassador-at-large Edmon Marukyan wrote on the social media platform X, "The so-called UN mission in Nagorno Karabagh did their best to legitimize the ethnic cleansing, arbitrary detentions, destructions of the civilian infrastructure and other crimes committed by Azerbaijan. These guys are discrediting the UN as an institution. I look forward to the UN investigation on the activities of these 'representatives'."⁶ Armenian Foreign Minister Ararat Mirzoyan called the mission "too late", and noted that the many warnings by Armenian authorities about Azerbaijan's plans for the "ethnic cleansing" of the enclave "did not lead to effective steps by the international community to prevent Baku's policy."⁷

It would be hard to believe that a UN mission would be this credulous, but the report is public.⁸ Its author, the UN Resident Coordinator for Azerbaijan, was a former employee

3 United Nations Azerbaijan, "UN team completes mission to Karabakh," 2 October 2023, <https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh>, accessed 03.10.2023.

4 United Nations, "UN Karabakh mission told 'sudden' exodus means as few as 50 ethnic Armenians may remain," *UN News*, 2 October 2023, <https://news.un.org/en/story/2023/10/1141782>, accessed 03.10.2023.

5 "'A masquerade' – French senator slams infamous UN mission's visit to Nagorno-Karabakh," *Armenpress*, 4 October 2023, <https://armenpress.am/eng/news/1121175.html>, accessed 04.10.2023.

6 "Senior Armenian diplomat lambasts 'so-called UN mission' in NK for 'legitimizing ethnic cleansing'," *Armenpress*, 3 October 2023, <https://armenpress.am/eng/news/1121059.html>, accessed 04.10.2023.

7 Asbarez, "TOO LATE".

8 United Nations Azerbaijan, "UN team completes mission to Karabakh," 2 October 2023, https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh?_gl=1*1rcd4u1*_ga*Mzg5Njk2MzEuMTY3M-

at Azerbaijan's state broadcasting agency and is "generally known to be a mouthpiece for the Aliyev regime," according to the *Armenian Weekly*.⁹ The report asks readers to believe that the UN officials who were present during the mission could not understand that people do leave in a "sudden manner" if they are being attacked by a state that has previously tortured, humiliated, and beheaded members of their group, especially one that had, only a few days earlier, threatened them with the "genocide". Moreover, though it is hard to imagine how these intrepid UN investigators missed the very visible and already thoroughly documented destruction of civilian infrastructure in Stepanakert, the report asks us to believe that competent people at the UN could be completely innocent of the idea that one cannot possibly determine that "there was no visible damage" to civilian infrastructure in an investigation that lasted one day. One can only imagine where they found "locals" to interview about possible "incidences of violence against civilians" in a city that was a ghost town, but dictatorships like Azerbaijan are known to find willing volunteers to present to foreign interlocutors, especially those who are accompanied by state-appointed handlers. The absurdist theater of this mission prompted one veteran UN worker to ask "[i]s the UN Whitewashing Azerbaijan's Ethnic Cleansing in Nagorno-Karabakh?"¹⁰

The UN mission story would be comedic if it were not such a perfect representation of the tragic and corrupt behavior of the international community towards threats to Armenian life since at least 2020. In fact, the world's dilatory, uncomprehending response extends across that three-year period, exacerbating Aliyev's sense of impunity and disseminating his genocidal Armenophobic narrative by refusing to challenge it. This is particularly the case with the Western powers, who should have known better. Artsakh was a genocide in very slow motion and the world stood by. For many people working in genocide prevention, baffled by the determined blindness of our elected officials, it struck us that we might as well be medieval chroniclers for all the impact our work was having.

What's in a Name?

In the past decade and a half there has been a strong push within Genocide Studies to replace the term "genocide" with the more comprehensive and inclusionary concept of "atrocity crimes,"¹¹ a term that include war crimes, crimes against humanity, and genocide.

zAzODI2OQ..*_ga_S5EKZKSB78*MTcwNTEwNjc4NC44LjEuMTcwNTEwNzEwNi42MC4wLjA.*_ga_TK-9BQL5X7Z*MTcwNTEwNjc4NC4yMS4wLjE3MDUxMTY3MzQuMC4wLjA, accessed 03.10.2023.

9 Melody Seraydarian, "(UN)involved in Peace," *Armenian Weekly*, 4 October 2023, <https://armenianweekly.com/2023/10/04/uninvolved-in-peace/>, accessed 04.10.2023.

10 Hasmik Egian, "Is the UN Whitewashing Azerbaijan's Ethnic Cleansing in Nagorno-Karabakh?" *PassBlue*, 19 October 2023, <https://www.passblue.com/2023/10/19/is-the-un-whitewashing-azerbajians-ethnic-cleansing-in-nagorno-karabakh/>, accessed 20.10.2023. Egian reports that a day before the mission's arrival in Stepanakert, Azerbaijan President Ilham Aliyev gave a gift of \$1 million to the UN Human Settlements Program. "President Ilham Aliyev allocates \$1 million to UN Human Settlements Program," *Azertac*, 30 September 2023, https://azertag.az/en/xerber/president_ilham_aliyev_allocates_1_million_to_un_human_settlements_program-2769745, accessed 03.10.2023.

11 William Schabas, "Atrocity Crimes (Genocide, Crimes against Humanity and War Crimes)," in *The Cam-*

Although these are all very different phenomenon, they share the status of being high crimes in international law that shock the conscience of humanity. While the term “atrocities crime” was meant to help avoid the divisive “definitionalism” within the field of Genocide Studies, which some scholars and practitioners felt was counterproductive, as a prevention tool, the concept of “atrocities crimes” can be more harmful than helpful. The experience of Artsakh Armenians since 2020 has demonstrated the importance of precision in efforts to prevent “atrocities crimes”. It matters greatly if a community is caught within war crimes, crimes against humanity, or genocide. The latter crime is particularly important to identify when present, given that it is a process that does not necessarily end with the cessation of armed struggle or violent crackdown and therefore requires specific interventions to stop.

Since September 19, Azerbaijan’s attack on Artsakh has been referred to in profoundly different ways by the various players and observers. This article will examine the language used by Azerbaijan and its allies, the Western powers, Armenia, and genocide scholars and organizations to refer to what happened in Artsakh. These responses are critical to our understanding of what went wrong because of the West’s importance to Azerbaijan and Russia’s preoccupation with the war and genocide in Ukraine.¹² They paint for us a picture of how geopolitical realities shaped global elite discourse on Armenia, Armenians, and the Armenian enclave of Artsakh in a way that enabled genocide.

Azerbaijan President Ilham Aliyev cynically referred to the invasion as an “anti-terror” operation, a term that some Western news outlets, such as the BBC, were happy to repeat virtually without question.¹³ This characterization of Azerbaijan’s invasion has the strong support of its close ally and NATO member Türkiye, one of the world’s greatest disseminators of Armenophobia,¹⁴ and Israel, which supports Azerbaijan not only with military aid but also with propaganda narratives and diplomatic cover.¹⁵ The United States, the European Union, and international political organizations have referred to Azerbaijan’s attack in more neutral and vague terms, as a “military operation”, or “flight”, or the “massive displacement of ethnic Armenians”.¹⁶ In the strangely silent political fog that surrounded Azerbaijan’s incursion, almost no powerful external political actor referred to what happened in Artsakh as a *crime*. In fact, words associated with international crimes

bridge Companion to International Criminal Law, edited by William Schabas (Cambridge: Cambridge University Press, 2016), 199-213.

12 Alexander Atasuntsev, “Longstanding Ties Between Armenia and Russia are Fraying Fast,” *Carnegie Politika*, 13 October 2023, <https://carnegieendowment.org/politika/90768>, accessed 30.10.2023.

13 Paul Kirby, “Azerbaijan launches operation against Nagorno-Karabakh and demands surrender,” *BBC News*, 20 September 2023, <https://www.bbc.com/news/world-europe-66851975>, accessed 03.10.2023.

14 Jennifer M. Dixon, *Dark Pasts: Changing the State’s Story in Turkey and Japan* (Ithaca, NY: Cornell University Press, 2018).

15 Harut Sassounian, “Israeli TV station airs propaganda on Azerbaijan-Israel military relations,” *Armenian Weekly*, 6 February 2023, <https://armenianweekly.com/2023/02/06/israeli-tv-station-airs-propaganda-on-azerbaijan-israel-military-relations/>, accessed 10.09.2023.

16 Human Rights Council, “Joint Statement on the Situation in Nagorno-Karabakh,” 54th Session, 11 October 2023, <https://geneva.usmission.gov/2023/10/11/joint-statement-on-the-situation-in-nagorno-karabakh/>, accessed 12.10.2023.

seemed to be studiously avoided. Samantha Power, author of a Pulitzer Prize winning book on genocide and current Administrator of the United States Agency for International Development, outright refused to use the term “ethnic cleansing” when asked about it by a journalist from POLITICO during her visit to Armenia on September 26.¹⁷

In contrast, many Armenian officials, international genocide scholars, and international genocide prevention organizations were united in identifying Azerbaijan’s actions as a mass atrocity crime, either “ethnic cleansing” or “genocide”.¹⁸ Armenian officials tended to prefer the term “ethnic cleansing” while genocide scholars were convinced that Azerbaijan was committing genocide. The latter includes former ICC chief prosecutor Luis Moreno Ocampo, Genocide Watch, and the Lemkin Institute for Genocide Prevention. These same organizations, as well as the International Association of Genocide Scholars (IAGS), repeatedly warned about the threat of genocide in the months before Azerbaijan’s September 19 attack, and, after 12 December 2022, about the already genocidal nature of Azerbaijan’s blockade of Artsakh.¹⁹

The two terms – “ethnic cleansing” and “genocide” – are often used interchangeably in situations like the one that occurred in Artsakh, where mass atrocities occurred alongside large-scale forced displacement. While “ethnic cleansing” is not technically a specific crime under international law, it is recognized as a mass atrocity in international mechanisms, such as the Responsibility to Protect doctrine.²⁰ Genocide, on the other

17 Gabriel Gavin, “Biden envoy troubled by reports of ‘violence against civilians’ in Nagorno-Karabakh,” *POLITICO*, 26 September 2023, <https://www.politico.eu/article/joe-biden-samantha-power-nagorno-karabakh-violence-against-civilians-humanitarian-aid-armenia-azerbaijan/>, accessed 12.10.2023.

18 Lemkin Institute for Genocide Prevention, “SOS Alert – Artsakh,” 19 September 2023, <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh->; Genocide Watch, “Genocide Alert: Artsakh surrenders to Azerbaijan,” 20 September 2023, <https://www.genocidewatch.com/single-post/genocide-alert-azerbaijan-attacks-artsakh>; Luis Moreno Ocampo, “Call what is happening in Nagorno-Karabakh by its proper name,” *Washington Post*, 22 September 2023, <https://www.washingtonpost.com/opinions/2023/09/22/nagorno-karabakh-genocide-armenia/>; Kathryn Armstrong & Nataliya Zotova, “Nagorno-Karabakh: Thousands flee as Armenia says ethnic cleansing under way,” *BBC News*, 26 September 2023, <https://www.bbc.com/news/world-europe-66905581>; “The fall of an enclave in Azerbaijan stuns the Armenian diaspora, shattering a dream,” *Associated Press*, 29 September 2023, <https://www.npr.org/2023/09/29/1202576206/the-fall-of-an-enclave-in-azerbaijan-stuns-the-armenian-diaspora-shattering-a-dr>; Anthony Deutsch and Stephanie van den Berg, “Nagorno-Karabakh exodus amounts to a war crime, legal experts say,” *Reuters*, 29 September 2023, <https://www.reuters.com/world/asia-pacific/nagorno-karabakh-exodus-amounts-war-crime-legal-experts-say-2023-09-29/>; David Scheffer, “Ethnic Cleansing is Happening in Nagorno-Karabakh. How Can the World Respond?” *Council on Foreign Relations*, 4 October 2023, <https://www.cfr.org/article/ethnic-cleansing-happening-nagorno-karabakh-how-can-world-respond>, accessed 10.10.2023.

19 Lemkin Institute for Genocide Prevention, *Report on Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict*, 5 September 2023; International Association of Genocide Scholars Executive and Advisory Boards, “Statement Condemning the Azerbaijani Blockade of the Artsakh (Nagorno-Karabakh),” <https://genocidescholars.org/wp-content/uploads/2023/02/IAGS-EB-AB-Statement-on-Azeri-Blockade-of-Artsakh.pdf>; for a list of statements and warnings about red flags for genocide against Artsakh Armenians between 2021 and 2023, see the Lemkin Institute for Genocide Prevention’s Artsakh Timeline, <https://www.lemkininstitute.com/artsakhtimeline>

20 United Nations Office of Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing: Background,” <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>, accessed 05.09.2023.

hand, is clearly a crime, as established by the 1948 UN Genocide Convention. “Ethnic cleansing” can in fact be seen as a euphemism for genocide,²¹ especially when the term is used by a speaker with vested interests in avoiding a genocide charge. The choice to use “ethnic cleansing” can also be a diplomatic one, as it can be used as a “softer” alternative to the necessarily severe charge of “genocide.” This is one reason that journalists prefer “ethnic cleansing” to “genocide” – in softening the language, they can avoid charges that they are taking sides. Still, few journalists used “ethnic cleansing” in the Artsakh case, except as a quote from someone featured in the article.

The use of “ethnic cleansing” in this case could also have been in response to pressure from the Western world. Given the Western world’s refusal to recognize Aliyev’s clearly genocidal speech acts and threats and other red flags of genocide coming from the Aliyev regime, not to mention its choice to countenance Azerbaijan’s crimes, there was, at the very least, strong implicit pressure placed on Armenian officials and others to avoid the term “genocide.” Ethnic cleansing is a useful substitute in such a situation, as it is a *description* of a process, not an indictment that brings with it responsibilities under international criminal law. “Ethnic cleansing,” in this sense, can be a necessary euphemism for a people caught within great power rivalries when one side or another is demanding their silence. For these reasons, while Armenian officials used the term “ethnic cleansing” to refer to September 19, most genocide experts, including Luis Moreno Ocampo, Gregory Stanton, and myself, used the term “genocide”.

It is important to note that many Western representative bodies were not as meek as their leaders in openly confronting Azerbaijan. While still avoiding the term genocide, they nevertheless did call out ethnic cleansing in strong terms. On 5 October 2023, for example, the Parliament of the European Union approved a resolution decrying “ethnic cleansing” in Nagorno-Karabakh and calling for sanctions on Baku.²² In November, US Congressperson Adam Schiff (D-CA) introduced legislation condemning Azerbaijan’s detention of Artsakh Armenian political prisoners, demanding their release, and calling for sanctions under the Global Magnitsky Human Rights Accountability Act. The text of the proposed law refers to “Azerbaijan’s ethnic cleansing of Artsakh.”²³ Apart from important initiatives like these, the language gap between Western states, on the one hand, and genocide scholars and prevention NGOs, on the other, was glaring.

The different words that have been used by various actors since 19 September 2023 to describe Azerbaijan’s actions towards Artsakh and the fate of the Artsakh Armenians

21 Elihu Richter and Gregory Stanton, “‘Ethnic cleansing’ is a euphemism used to deny genocide,” *Genocide Watch*, 31 May 2023, <https://www.genocidewatch.com/single-post/ethnic-cleansing-is-a-euphemism-used-to-deny-genocide>, accessed 05.09.2023.

22 Kristina Harazim, “EU Parliament accuses Baku of ‘ethnic cleansing’ in Nagorno-Karabakh,” *EuroNews*, 5 October 2023, <https://www.euronews.com/2023/10/05/eu-parliament-accuses-baku-of-ethnic-cleansing-in-nagorno-karabakh>

23 “Resolution calling on Azerbaijan to immediately comply with international commitments regarding the release and treatment of prisoners of war, hostages, and other detained persons,” US House of Representatives, 118th Congress, First Session, https://anca.org/assets/pdf/110923_Schiff_POWresolution.pdf, accessed 20.09.2023.

are a startlingly clear representation of the geopolitical structures and dynamics that enabled this genocide. Azerbaijan is assured of its impunity, due to its importance to the security, geopolitical, and economic goals and aims of regional and international powers: Turkey, Iran, China, Russia, and the West.²⁴ Türkiye has been a longtime ally, referring to its relationship with Azerbaijan as “two states, one nation,” a moniker first used in this context by Heydar Aliyev, the father of the current Azerbaijani President.²⁵ The elimination of the Republic of Artsakh has been a very public goal for Turkish President Recep Tayyip Erdoğan.²⁶ China and Russia, having no pretenses to upholding human rights, were of little concern to Azerbaijan in respect to its outrageous treatment of Armenians. The Western world would have been a concern, since Azerbaijan has invested a great deal in cultivating close economic and political ties, had it not demonstrated beyond a shadow of a doubt its willingness to acquiesce to Azerbaijan’s genocidal threats and behaviors early on. Having witnessed its own impunity within this geopolitical space after the 44-Day War in 2020, when it committed horrific genocidal atrocities against Armenian servicemen and civilians, documented these atrocities on video, and shared them on social media without any negative consequences,²⁷ Azerbaijan was stridently pushing its propaganda in 2023 without concerns about credibility.

Its narrative was simple: the democratic Republic of Artsakh, which had a Freedom House “freedom rating” (37/100) that was much higher than Azerbaijan’s (9/100), was governed and defended by “separatists” and “terrorists”. No matter that Artsakh had always been majority Armenian or that it had never been directly governed by Azerbaijanis.²⁸ According to Aliyev, in invading Artsakh, Azerbaijan was “returning” its “ancestral land”.²⁹ During the peace process, Azerbaijani authorities attempted to portray Azerbaijan internationally as having “good intentions” towards Armenians in Artsakh. President Ilham Aliyev frequently stated that the Armenians of Artsakh could accept

24 Selim Kurt and Göktürk Tüysüzoğlu, “Another Perspective Regarding the 2020 War in Karabakh: The Relationship between a Frozen Conflict and Securitization,” *Journal of Eurasian Studies*, 13 no. 2 (2022): 145-155. <https://doi.org/10.1177/18793665221096689>.

25 *Turkish-Azerbaijani Relations. One Nation – Two States?* Edited by Murad Ismayilov and Norman A. Graham (Abingdon: Routledge 2016).

26 “Turkey’s Erdogan backs Azerbaijan’s offensive in Nagorno-Karabakh, as US, Russia urge restraint,” *Al-Monitor*, 29 September 2023, <https://www.al-monitor.com/originals/2023/09/turkeys-erdogan-backs-azerbaijans-offensive-nagorno-karabakh-us-russia-urge>, accessed 04.10.2023.

27 Application of the International Convention on the Elimination of All Forms of Racial Discrimination, Armenia v. Azerbaijan, International Court of Justice, 16 September 2021, <https://www.icj-cij.org/sites/default/files/case-related/180/180-20210916-APP-01-00-EN.pdf>.

28 In the 1920s, the population of Artsakh was estimated to be 94.4 percent Armenian and 5.6 percent Azeri. During the Soviet period, the percentage of Armenians dropped to 76.9 while the percentage of Azeris grew to 21.5. Edmund Herzig, Marina Kurkchian, *The Armenians: Past and Present in the Making of National Identity* (London: Routledge, 2005), 66, 121. In 1989, 77% of Artsakh’s population was Armenian. In 2015, the population of Artsakh was estimated to be 99.7% Armenian. See Paul Bernard Henze, “The Demography of the Caucasus according to 1989 Soviet Census Data,” *Central Asian Survey* 10, nos. 1-2 (1991): 147–170.

29 Ilham Aliyev on the fate of Karabakh Armenians,” *JAMNews*, 29.05.2023, <https://jam-news.net/aliyev-on-the-fate-of-karabakh-armenians/>, accessed 09.09.2023.

“normal” Azerbaijani citizenship, which he portrays as attractive to them, and live in peace in Azerbaijan: “I am sure most of the Armenian population currently living in Karabakh is ready to accept Azerbaijani citizenship.” But, in a paradoxical manner, he consistently displays his visceral contempt for (and dehumanization of) Armenians in the very same breath. After making the statement above, for example, he immediately added: “Simply put, these leeches [referring to Artsakh’s democratically elected government], these predatory animals, won’t let them do that.”³⁰

While pronounced Armenophobia has been a core part of Azerbaijani national identity from its inception in the early twentieth century,³¹ Azerbaijan under Ilham Aliyev has been developing a massive propaganda machine to push its narratives for over a decade. This machine has relied on direct gifts and payments to Western politicians, journalists, and cultural figures (“caviar diplomacy”) as well as saturation of media and diplomatic spaces to achieve a place of privilege for one of the world’s worst dictatorships.³² The purpose of the propaganda blitz was, in the words of Gerald Knaus, to “to neutralize the ‘naming and shaming’ strategy of the international human-rights movement,” which it very effectively achieved. The propaganda blitz involved a complete rewriting of history, including erasing Armenian land and heritage and claiming it as historically Azerbaijani, as well as the creation of an “alternate reality” into which an entire generation of young Azeris have been indoctrinated.³³ Although Azerbaijan’s claims about itself (as a Western-oriented haven for diversity) and about Armenians (that they were terrorists and the principal historical victimizers) fly in the face of evidence, many Western journalists were happy to go with them, out of ignorance, vested interests, and political sympathies. Certainly no foreign government officials or regional bodies were willing to openly challenge the narrative, given Azerbaijan’s strategic importance to both Russia and the NATO countries as an oil rich state that provides an important land bridge to Central Asia.³⁴ Instead, the United States and the European Union embarked on a “peace process” between Armenia and Azerbaijan that created space for Azerbaijan to pursue genocide under cover of Western-backed “negotiations.”

The voices of Artsakh Armenians, including the democratically elected government, were noticeably absent from the political negotiations. Representatives from Artsakh

30 President of the Republic of Azerbaijan. (2023). “Ilham Aliyev was interviewed by Azerbaijan Television in city of Salyan.” <https://president.az/en/articles/view/59451>, accessed 30.09.2023.

31 Nerses Kopalyan, “Understanding the Aliyev Regime’s Armenophobia,” *EVN Report*, 8 September 2020, <https://evnreport.com/opinion/understanding-the-aliyev-regime-s-armenophobia/>, accessed 06.09.2023.

32 “Caviar Diplomacy: Why Every European Should Care,” *European Strategic Initiative (ESI)*, <https://www.esiweb.org/proposals/caviar-diplomacy>, accessed 10.09.2023.; Gerald Knaus, “Europe and Azerbaijan: The End of Shame,” *Journal of Democracy* 26, no. 3 (2015): 5-18; Pjotr Sauer, “Nagorno-Karabakh crisis forces western rethink on Azerbaijan,” *The Guardian*, 26 September 2023, accessed 10.10.2023.

33 Pdraig Reidy, “The Ugliness under Azerbaijan’s Alternate Reality,” *Index on Censorship*, 18 September 2014, <https://www.indexoncensorship.org/2014/09/pdraig-reidy-azerbaijan-ilham-aliyev-turkey-armenia/>, accessed 10.09.2023.

34 US Department of State, Integrated Country Strategy: Azerbaijan, 7 June 2022, https://www.state.gov/wp-content/uploads/2022/06/ICS_EUR_Azerbaijan_Public.pdf

were not present at meetings in the US-EU brokered process, which were attended by Aliyev, Armenian Prime Minister Nikol Pashinyan, and various Western leaders. Artsakh representatives were not seriously consulted, as far as one can tell, about the future of the enclave during this process.³⁵ Azerbaijan was adamantly against political solutions that would address the primary concern of residents of Artsakh, which was their need for security from a state that openly used genocidal language to threaten them. While the European Union and the US gave some support to the idea of direct talks between Azerbaijan and Artsakh officials,³⁶ bilateral meetings between Artsakh and Azerbaijan only happened within the Russian-brokered mechanism and did not include political negotiations but rather a discussion of smaller, practical matters related to Azerbaijan's ongoing blockade of the enclave.³⁷ Because of the immense asymmetry of power in these meetings, the Artsakh government continued to underscore "the need to restore the international mediation format as an important guarantee" of equal representation and "the irreversibility of the peace process." The proposal for a return to international mediation, such as within the OSCE Minsk Group framework,³⁸ was consistently rejected by Azerbaijan, which was clearly planning an invasion during the entire period.

The marginalization of victims and officials from the victimized community during times of genocide is an unfortunate norm in the history of the crime. Because genocides tend to follow historical dynamics of oppression, the groups being victimized tend to be the ones already marginalized from the circuits of power. As such, their assessments, testimonies, concerns, and needs are easily dismissed. Their oppressors, as the more powerful agents, enjoy relationships of mutual benefit with the states and agencies that would have to do the preventing. Such was most definitely the case here. In fact, in the weeks before September 19, Elchin Amirbayov, a representative of President Aliyev, was so sure of Azerbaijani impunity that he "warned that 'a genocide may happen' in Nagorno-Karabakh if its leaders fail to submit to Azerbaijan's demands," and yet no significant actions were taken to prevent this crime.³⁹

Azerbaijan's use of threats and terror against Armenians is of course not new. It is a

35 For an example of the wishful thinking of the Western world that failed to recognize the extremity of the threat faced by Armenians, see: International Crisis Group, Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War's Shadow," Briefing Nr. 93, 22 June 2022, <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/nagorno-karabakh-seeking-path-peace-ukraine>

36 European Parliament, "Joint statement on Azerbaijan's attack on Nagorno-Karabakh," 19 September 2023, <https://www.europarl.europa.eu/delegations/en/joint-statement-on-azerbaijan-s-attack-o/product-details/20230919DPU37422>

37 Heydar Isayev, Lilit Shahverdyan, "Azerbaijan-Karabakh dialogue is happening. Azerbaijan has identified a special representative to talk to the Armenians of Karabakh," *Eurasianet*, 2 March 2023, at <https://eurasianet.org/azerbaijan-karabakh-dialogue-is-happening>, accessed 10.09.2023.

38 Edmond Y. Azadian, "The Unfinished Agenda of the Minsk Group," *The Armenian Mirror-Spectator*, 4 February 2021, <https://mirrorspectator.com/2021/02/04/the-unfinished-agenda-of-the-minsk-group/>, accessed 25.08.2023.

39 Caroline Cox, "Genocide Warning in Nagorno-Karabakh," *The Guardian*, 18 September 2023, <https://www.theguardian.com/world/2023/sep/18/genocide-warning-in-nagorno-karabakh>.

tool that can be traced back to the Turkish genocide against the Armenians, in which Azeri (Caucasus Muslim) soldiers took part. Apart from the years of Soviet control of the South Caucasus, Armenians in the South Caucasus have experienced massacres and horrific atrocities at the hands of Azerbaijan nationalists, the Azerbaijani state, which formed after World War I, and its military authorities. During this early period of state building, massacres and outbreaks of political violence began to be instrumentalized by Azerbaijani authorities to punish the people of Artsakh for articulating their desire for independence and asserting their right to self-determination.⁴⁰ Even though officials in the Azerbaijani SSR did not resort to the massacre of Armenians during the Soviet period, persecution and discrimination against Armenians both within the territory of Artsakh and in Azerbaijan were documented.⁴¹ As soon as the Soviet Union fell and Artsakh Armenians, who were organized into the Nagorno Karabakh Autonomous Oblast (NKAO), again called for their secession from the Azerbaijan SSR, Azerbaijan organized a series of brutal pogroms against Armenians, which eventually resulted in the First Nagorno Karabakh War and massive population displacement.⁴²

The Struggle Against Impunity

While Azerbaijan's threats against Armenians were not new, what was new was the Western world's absolute deafness to the clear indications that Aliyev is a genocidaire and that Azerbaijan is a genocidal state. The post-1945 human rights agenda, and especially the Genocide Convention itself, were meant to ensure that there were checks on the unfettered barbarism of states. These mechanisms were meant to protect precisely people like the Artsakh Armenians, a small group without an internationally recognized sovereign state, whose 4000-year-old way of life was threatened by a hostile neighboring state that gave them no option but to seek self-determination as a form of genocide prevention. Because of Aliyev's very public threats, the marginalization of genocide experts from the Western discourse around Artsakh before September 19 is more surprising than it may initially appear. Unlike in previous decades, Western states and the United Nations are now quite knowledgeable about genocide and its many different manifestations. Many government officials have been trained specifically in genocide prevention. Genocide prevention has emerged over the past decade as a critical field in US foreign policy. The Elie Wiesel Genocide and Atrocities Prevention Act of 2018 requires the U.S. government to prevent

40 Hamlet Harutyunyan, *Լեռնային Ղարաբաղը 1918-1923* [Nagorno Karabakh in 1918–1923] (Yerevan: Gitutyun, 1996), 67; Richard Hovannissian, *The Republic of Armenia: The First Year, 1918–1919*, Vol. 1. (Berkeley: University of California Press, 1971).

41 Shariefuddin Pirzada, "The Nagorny-Karabakh Issue," *Strategic Studies* 11, no. 3 (1988): 9–14. <http://www.jstor.org/stable/45182583>.

42 *The Sumgait Tragedy: Pogroms against Armenians in Soviet Azerbaijan, Volume I Eyewitness Accounts*, compiled and edited by Samuel Shahmuratian (New York: Aristide D. Caratzas and Los Angeles, Paris, Toronto: Zoryan Institute, 1990).

atrocities. The US State Department, the US Institute of Peace, USAID, the Auschwitz Institute for Genocide Prevention offer regular trainings to government officials, military officers, and others both inside and outside of the USA.⁴³ American government officials know the warning signs of mass atrocity, have been introduced to diplomatic measures that can help to prevent them, and, at the very least, would recognize the real dangers posed by the red flags that genocide experts had been pointing out for at least three years prior to September 19 and specifically since Azerbaijan instituted its total blockade of Artsakh on 12 December 2022. And yet, instead of taking diplomatic action that would have stemmed Aliyev's impunity, the Western world chose to grant Aliyev wide berth within a "peace process" continued during Azerbaijan's genocidal blockade and his threats not only against the Republic of Artsakh but also against the Republic of Armenia.

To underscore just how strong the evidence of genocide was, well before September 19, we need only to look at the Lemkin Institute's 127-page *Report on the Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict*, which I co-authored with colleagues at the Institute. The Report was released as an emergency draft on 5 September 2023 due to the rapidly intensifying humanitarian crisis in the Republic of Artsakh, caused by the Azerbaijani blockade, and the Lemkin Institute's alarm over the mounting evidence of an impending Azerbaijani invasion.

The Report uses the United Nations' *Framework of Analysis for Atrocity Crimes* to outline and analyze (in detail) the risk factors and indicators for atrocity crimes, with a special focus on the crime of genocide. One of the strengths of the Framework is that it offers a comprehensive snapshot of the risk factors for the "big three" atrocity crimes (war crimes, crimes against humanity, and genocide) at a given moment in time.⁴⁴ The Institute chose to focus specifically on the crime of genocide because the evidence in the report pointed to the existence of several serious red flags for genocide, many typical genocidal patterns, and alarming evidence of the necessary special intent to commit that crime. In fact, the evidence presented in the report strongly suggested that the crime of genocide was taking place in the form of the blockade, which was both "[c]ausing serious bodily or mental harm to members of the group" and "[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" (paragraphs II.b. and II.c. of the 1948 Genocide Convention). This finding further corroborated Ocampo's Expert Opinion from August 7, 2023.⁴⁵

Furthermore, the report collected evidence that conformed to several of the Institute's

43 See, for example: US Embassy Tbilisi, "US Provides Training to Prevent Atrocities," 3 November 2020, <https://ge.usembassy.gov/u-s-provides-training-to-prevent-atrocities/>, accessed 01.12.2023.

44 United Nations Office on Genocide Prevention and the Responsibility to Protect, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, New York: United Nations, 2014, https://www.un.org/en/genocideprevention/documents/about-us/Doc.3_Framework%20of%20Analysis%20for%20Atrocity%20Crimes_EN.pdf, accessed 14.01.2024.

45 Luis Moreno Ocampo, "Expert Opinion: Genocide Against Armenians in 2023," 7 August 2023, <https://luis-morenoocampo.com/wp-content/uploads/2023/08/Armenia-Report-Expert-Opinion.pdf>, accessed 30.12.2023.

10 Patterns of Genocide mechanism, which is based on historical patterns of the crime. According to the report, Azerbaijan's crimes conformed to Patterns 5 (Gross human rights violations + mass cultural destruction), 6 (Man-made famine / "Genocide by Attrition"), 7 (Environmental despoliation / "Ecocide" and land alienation), and 9 (Denial and/or prevention of identity). It noted that Azerbaijan seemed to be headed towards Patterns 1 (Gender-neutral mass murder characterized by gendered atrocity) and/or 2 (Mass murder of 'battle-aged men' + atrocities against women and children).

A particular feature of the report was its documentation of Azerbaijani President Ilham Aliyev's very public commitment to eliminate any remnant of the autonomous historical and cultural community known as the Armenians of Artsakh from the territory of Nagorno-Karabakh. Aliyev's speeches are littered with hate speech and incitement: he uses dehumanizing terminology like "dogs", "wild beasts", "jackals", and "rats" to refer to Armenians, which harkens back to the genocidal language of the Young Turks during the Armenian Genocide (when, for example, Armenians were often called "dogs") as well as to the genocidal language employed by other architects of genocide. Armenians are represented as violent "thieves", "terrorists", "separatists", and "mentally ill" persons. During the war in 2020, Aliyev threatened "We will continue to expel these [Armenian] liars. They will see who is who now. They will see that we were teaching them a lesson they will never forget ... They have neither conscience nor morality. They don't even have the brain."⁴⁶ Aliyev tied his "total victory" over the Armenians of Artsakh to an "historic mission" that would restore "national dignity."⁴⁷

Aliyev's public speeches, the Azerbaijani blockade of the Lachin Corridor, repeated breaches of the Tripartite Ceasefire Statement of November 2020, and the destruction of Armenian cultural heritage in areas of Artsakh under Azerbaijani occupation appeared to demonstrate the special intent to commit genocide. The deep imbrication of eliminationist anti-Armenian hate within the Aliyev regime and Azerbaijani institutions of government led the authors to conclude that Azerbaijan was a genocidal state. We clearly stated that this fact obviously must be addressed before there can be any peace in the region.

In addition to an existing fact pattern suggestive of genocide, the Report unearthed alarming evidence that President Aliyev may be planning a military assault on Artsakh in the very near future. The authors noted, for example, President Aliyev's August 16 decree ordering all eligible citizens 18 years of age or older to report for military service between 1 October and 31 October 2023. Furthermore, the Report documented Azerbaijan's frequent military strikes on Armenian territory since 2020, especially the increase in military attacks, particularly on the Gegharkunik Province of the Republic of Armenia, using small arms and mortars, and its movement and concentration of military forces along

46 "Human Rights Violations During the 44-Days War in Artsakh," *OSF Armenia*, https://www.osf.am/wp-content/uploads/2022/06/Fact-Finding-Report_FINAL_web.pdf, accessed 04.10.2023.

47 "Victorious Commander-in-Chief, President Ilham Aliyev addressed the nation on the occasion of the Remembrance Day," *Azerrag.az*. https://azertag.az/en/xeber/Victorious_Commander_in_Chief_President_Ilham_Aliyev_addressed_the_nation_on_the_occasion_of_the_Remembrance_Day_VIDEO-1886079, accessed 01.09.2023.

the entire line of contact with Artsakh.

We warned that a military assault on Artsakh could lead to the mass murder stage of genocide and noted that it would almost assuredly result in the forced displacement of Armenians from Artsakh and the widespread commission of genocidal atrocities, recapitulating those committed in the Second Nagorno-Karabakh War of 2020 and subsequent hostilities. If the Armenians of Artsakh were to be displaced, we stated, it would not only create an enormous movement of refugees en masse that could further destabilize the region, but also it would result in the genocidal destruction of a people, as the Artsakh Armenians would lose their distinct identity as Artsakhtsis, an identity that had been forged through centuries – millennia – of independent cultural flourishing in their mountains and valleys.

Very unfortunately, only two weeks after the release of the Report, Azerbaijan attacked. Having followed the case very closely since 2020, and having just completed a detailed accounting of Azerbaijan's preparedness to commit genocide, we understood the threat. Our first SOS Alert, written and published on September 19, read in its entirety:

The Lemkin Institute for Genocide Prevention is issuing an SOS for the Armenians of Artsakh, who are currently being attacked by the genocidal regime of Azerbaijani President Ilham Aliyev.

Residents of Artsakh are now facing not only starvation and related medical emergencies after a 9-month siege by Azerbaijan, but also immediate death from airstrikes, drones strikes and the mass shelling of civilian areas. Azerbaijan's military attack came only one day after the country was finally forced to allow into the enclave the first aid shipment since June 15, 2023.

At this moment in time, it is imperative that powerful leaders and states stand up to Azerbaijan and demonstrate clearly that any further aggression against Armenians will not be tolerated and will be met with all available options within the genocide prevention toolbox. Failure to do so will result in these leaders and states being responsible for complicity in genocide.

Failure to stand up to Azerbaijan could also result in an escalation that leads not only to the total destruction of the Armenians of Artsakh but also to a wider war in the region as Azerbaijan and its ally Turkey pursue territorial ambitions in southern Armenia and northern Iran.

There is no doubt in the minds of experts in genocide prevention – at the Lemkin Institute, but also at Genocide Watch, the International Association of Genocide Scholars, and among legal experts such as former ICC chief prosecutor Luis Moreno Ocampo – that what Armenians are facing from Azerbaijan is genocide.

We express our heartfelt solidarity with the people of Artsakh, whose identity and whose lives matter and must be protected.⁴⁸

Of course, during the first days after Azerbaijan's invasion, the Lemkin Institute was concerned that Azerbaijan would pursue the mass murder form of genocide. At the time there were unconfirmed reports of atrocities and massacres of civilians by Azerbaijani forces. Azerbaijani social media channels were openly threatening civilians with abuse, ranging from bounties on missing children, to threats of rape against missing women, to images and reports of massacres of residents who refused to leave their homes, leading to frantic civilian efforts to evacuate ahead of the arrival of the Azerbaijani military. At that time, Azerbaijan had cut electricity, natural gas, and telecommunication services, so very little information was coming out of Artsakh. In our second SOS Alert, published on September 22, we voiced our grave concern that the people of Artsakh, "currently under the yoke of the armed forces of the Republic of Azerbaijan," are "in critical danger of genocide."⁴⁹ Many stories of atrocity turned out to be true.⁵⁰ In the end, rather than slaughter tens of thousands of Armenians, Azerbaijan was pressured to open the Lachin corridor so that Artsakh Armenians were able to flee the enclave after days of shelling and terrorization. Although Azerbaijan finally lifted the blockade to allow Armenians to leave, it captured and detained ordinary civilians as well as key figures from the democratically-elected Artsakh government and members of its armed forces, who are still in prison in Azerbaijan as "separatists."

There is evidence that the Western world was aware of Azerbaijan's plans, even if it refused to recognize them officially or integrate that knowledge into its pursuit of "peace." On September 14, Yuri Kim, Acting Assistant Secretary of State for European Affairs, testified in her remarks before the Senate Foreign Relations Committee that "I want to be clear about a critical issue: the United States will not countenance any action or effort – short-term or long-term – to ethnically cleanse or commit other atrocities against the Armenian population of Nagorno-Karabakh."⁵¹ Of course, the United States demonstrated on September 19 that it absolutely would countenance the "ethnic cleansing" of Artsakh, but this revelation by the Acting Assistant Secretary on September 15 suggests that the Biden administration was not without information.

Ms. Kim received predictable backlash from Azerbaijan for her testimony. Azerbaijan used the occasion to make the many "accusations in the mirror"⁵² against Armenia that

48 Lemkin Institute for Genocide Prevention, SOS Alert – Artsakh, 19 September 2023, <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh->

49 Lemkin Institute for Genocide Prevention, SOS Alert #2 – Artsakh, 22 September 2023, <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh---2>

50 Human Rights Defender of the Republic of Armenia, "Preliminary Ad Hoc Report on Results of Fact Finding Missions Conducted from September 24 to September 30, 2023," <https://www.ombuds.am/images/files/a35f-939de3e1ce0aebb9a4248f7a5868.pdf>, accessed 30.09.2023.

51 Yuri Kim, "Statement of Yuri Kim, Acting Assistant Secretary of State for European Affairs, Before the Senate Foreign Relations Committee," 14 September 2023, https://www.foreign.senate.gov/imo/media/doc/6667fb89-a975-4fab-d8b8-e8875312e37e/091423_Kim_Testimony.pdf, accessed 20.09.2023.

52 Kenneth Marcus, "Accusations in a Mirror," *Loyola University Chicago Law Journal* 43 (2012): 357-393, at

it had been making throughout the Western peace process: Armenians in Artsakh are terrorists, Artsakh is Azerbaijani land, the Republic of Armenia has troops in Artsakh, the Republic of Armenia has been militarily attacking Azerbaijan, and so forth – all untrue. The response of the spokesperson of the Azerbaijan Ministry of Foreign Affairs to Yuri Kim is one of the most telltale cases of “mirroring” in recent history, especially given that Azerbaijan invaded Artsakh only four days later. He said, in part, “Although the [2020] war and conflict is over, unfortunately hindering peace and stability in the region, the imitation of negotiations and the continuous military-political provocations of Armenia, as it was during almost 30-year occupation, have not ceased. In this regard, instead of denying the historical opportunity after 30 years of the conflict, we believe that ending provocations committed by Armenia and, most importantly, demanding immediate withdrawal of Armenian armed forces, which have not yet left the territories of Azerbaijan is critical and fair, and we call on the US side to act based on this position.”⁵³

The Lemkin Institute for Genocide Prevention’s *Report on the Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh* offered the Western world and the international community twelve recommendations for steps that could be taken to protect Artsakh Armenians and forge a lasting peace in the region. They were not unlike other proposals made at other times in relation to this intractable conflict, underscoring the importance of addressing the root causes, immediate threats, potential triggers, and the need for justice and accountability. But one suggestion was very particular to the work of genocide prevention. We considered it so important that we put it first: “Recognize publicly the threat of genocide against Armenians in the Republics of Artsakh and Armenia that is evidenced by Azerbaijani President Ilham Aliyev’s statements as well as the actions of his regime.”

Conclusion

Without the clarity offered by the term “genocide” when red flags of that crime are present, it is easier for the international community to pursue incoherent policies towards genocidal states or groups, putting targeted communities and international security at risk in the short and the long term. Refusing to use the term, for whatever reason, even when the evidence is strong, further has the effect of legitimizing forms of mass atrocity as unavoidable or necessary. The case of Artsakh is an object lesson in the normalization of certain forms of genocide as a part of Western foreign policy. Western powers knew very well the threats that Azerbaijan posed to Armenians, but chose to look the other way in order to pursue goals that they decided were more important than international

https://francegenocidetutsi.org/marcus_mirror_accusation.pdf.

53 Azerbaijan Ministry of Foreign Affairs, “Allegations made by US official are just disappointing,” 15 September 2023, <https://report.az/en/foreign-politics/mfa-allegations-made-by-us-official-are-just-disappointing/>, accessed 25.09.2023.

law and genocide prevention. We know that the problem in the Artsakh case was not that people did not know enough, or there was not enough information, or diplomats did not have access to the perpetrators, or the perpetrators were secretive and surprising, or there was no time. Quite the contrary. Western powers, and particularly the United States, had the training, the knowledge, the access, and the time necessary to come to the same conclusions as the Lemkin Institute for Genocide Prevention. They could have written their own report using the UN's *Framework of Analysis for Atrocity Crimes*. They simply chose not to, making them complicit in the crime of genocide in Artsakh.

This poses serious questions for genocide prevention experts, scholars, and practitioners. If we are not to be mere chroniclers of genocide, as we were in the case of Artsakh, we need to build mechanisms that do not rely on the good behavior of well-trained Western government and military officials. In fact, we should be concerned that such training may be counterproductive, aiding Western governments in orchestrating catastrophes that will be harder to identify and adjudicate as genocide. Given what we now know about events in the last three months of 2023, it is even possible to view the Artsakh case as a primer for things to come in Israel-Palestine, where the Western powers again find themselves complicit in genocide.

We are in a new world order where genocide is becoming a routine and acceptable policy to solve perceived or real political problems. Marginalized communities all over the world are much more vulnerable to genocidal policies after 19 September 2023 than they were beforehand. The West is giving birth to a new language of “freedom” and “peace” – a freedom of Manifest Destiny, a peace of the graveyard. In many ways, this new world harkens back to the old world, the world prior to World War I, before concerted efforts to forge an international community and a rule-based international order. It is the new “New Imperialism.” And one of the tasks for genocide prevention is to prevent this new world from forming with every tool at our disposal, starting with a restoration of Artsakh to its indigenous inhabitants, protection of the sovereign borders of the Republic of Armenia, and an eventual transformation of the genocidal regime of Ilham Aliyev. A reversal of the events of September 19 could help to delegitimize and defamiliarize a form of genocide that is now effectively normalized.

BIBLIOGRAPHY

“‘A masquerade’ – French senator slams infamous UN mission’s visit to Nagorno-Karabakh,” *Armenpress*, 4 October 2023, <https://armenpress.am/eng/news/1121175.html>.

“President Ilham Aliyev Allocates \$1 million to UN Human Settlements Program.” *Azertac*, 30 September 2023. https://azertag.az/en/xeber/president_ilham_aliyev_allocates_1_million_to_un_human_settlements_program-2769745.

“Resolution Calling on Azerbaijan to Immediately Comply with International Commitments Regarding the Release and Treatment of Prisoners of War, Hostages, and

Other Detained Persons.” US House of Representatives, 118th Congress, First Session. https://anca.org/assets/pdf/110923_Schiff_POWresolution.pdf.

“Senior Armenian diplomat lambasts ‘so-called UN mission’ in NK for ‘legitimizing ethnic cleansing.’” *Armenpress*, 3 October 2023, <https://armenpress.am/eng/news/1121059.html>.

“Turkey’s Erdogan backs Azerbaijan’s offensive in Nagorno-Karabakh, as US, Russia urge restraint.” *Al-Monitor*, 29 September 2023, <https://www.al-monitor.com/originals/2023/09/turkeys-erdogan-backs-azerbaijans-offensive-nagorno-karabakh-us-russia-urge>.

Deutsch, Anthony, and Stephanie van den Berg, “Nagorno-Karabakh Exodus Amounts to a War Crime, Legal Experts Say.” *Reuters*, 29 September 2023. <https://www.reuters.com/world/asia-pacific/nagorno-karabakh-exodus-amounts-war-crime-legal-experts-say-2023-09-29/>.

Application of the International Convention on the Elimination of all Forms of Racial Discrimination, *Armenia v. Azerbaijan*, International Court of Justice, 16 September 2021. <https://www.icj-cij.org/sites/default/files/case-related/180/180-20210916-APP-01-00-EN.pdf>.

Armstrong, Kathryn, & Nataliya Zotova. “Nagorno-Karabakh: Thousands Flee as Armenia Says Ethnic Cleansing under Way.” *BBC News*, 26 September 2023. <https://www.bbc.com/news/world-europe-66905581>.

“The Fall of an Enclave in Azerbaijan Stuns the Armenian Diaspora, Shattering a Dream.” *Associated Press*, 29 September 2023. <https://www.npr.org/2023/09/29/1202576206/the-fall-of-an-enclave-in-azerbaijan-stuns-the-armenian-diaspora-shattering-a-dr>.

Atasuntsev, Alexander. “Longstanding Ties between Armenia and Russia are Fraying Fast.” *Carnegie Politika*, 13 October 2023, <https://carnegieendowment.org/politika/90768>.

Azadian, Edmond Y. “The Unfinished Agenda of the Minsk Group.” *The Armenian Mirror-Spectator*, 4 February 2021. <https://mirrorspectator.com/2021/02/04/the-unfinished-agenda-of-the-minsk-group/>.

Azerbaijan Ministry of Foreign Affairs, “Allegations Made by US Official are Just Disappointing.” 15 September 2023. <https://report.az/en/foreign-politics/mfa-allegations-made-by-us-official-are-just-disappointing/>.

Cox, Caroline. “Genocide Warning in Nagorno-Karabakh,” *The Guardian*, 18 September 2023. Accessed 10 October 2023. <https://www.theguardian.com/world/2023/sep/18/genocide-warning-in-nagorno-karabakh>.

Dixon, Jennifer M. *Dark Pasts: Changing the State's Story in Turkey and Japan*. Ithaca, NY: Cornell University Press, 2018.

Egian, Hasmik. "Is the UN Whitewashing Azerbaijan's Ethnic Cleansing in Nagorno-Karabakh?" *PassBlue*, 19 October 2023. <https://www.passblue.com/2023/10/19/is-the-un-whitewashing-azerbaijans-ethnic-cleansing-in-nagorno-karabakh/>.

European Parliament, "Joint Statement on Azerbaijan's Attack on Nagorno-Karabakh." 19 September 2023. <https://www.europarl.europa.eu/delegations/en/joint-statement-on-azerbaijan-s-attack-o/product-details/20230919DPU37422>.

European Strategic Initiative (ESI), "Caviar Diplomacy: Why Every European Should Care." <https://www.esiweb.org/proposals/caviar-diplomacy>.

Gabriel, Gavin. "Biden Envoy Troubled by Reports of 'Violence against Civilians' in Nagorno-Karabakh." *POLITICO*, 26 September 2023. <https://www.politico.eu/article/joe-biden-samantha-power-nagorno-karabakh-violence-against-civilians-humanitarian-aid-armenia-azerbaijan/>.

Genocide Watch, "Genocide Alert: Artsakh Surrenders to Azerbaijan." 20 September 2023. <https://www.genocidewatch.com/single-post/genocide-alert-azerbaijan-attacks-artsakh>.

Harazim, Kristina. "EU Parliament Accuses Baku of Ethnic Cleansing' In Nagorno-Karabakh." *EuroNews*, 5 October 2023. <https://www.euronews.com/2023/10/05/eu-parliament-accuses-baku-of-ethnic-cleansing-in-nagorno-karabak>.

Harutyunyan, Hamlet. *Լեռնային Ղարաբաղը 1918-1923* [Nagorno Karabakh in 1918–1923]. Yerevan: Gitutyun, 1996.

Henze, Paul Bernard. "The Demography of the Caucasus according to 1989 Soviet Census Data." *Central Asian Survey* 10, nos. 1-2 (1991): 147–170.

Herzig, Edmund & Kurkchian, Marina. *The Armenians: Past and Present in the Making of National Identity*. London: Routledge, 2005.

Hovannissian, Richard. *The Republic of Armenia: The First Year, 1918–1919*, Vol. 1. Berkeley: University of California Press, 1971.

"Joint Statement on the Situation in Nagorno-Karabakh." Human Rights Council, 54th Session, 11 October 2023. <https://geneva.usmission.gov/2023/10/11/joint-statement-on-the-situation-in-nagorno-karabakh/>.

Human Rights Defender of the Republic of Armenia, "Preliminary Ad Hoc Report on Results of Fact Finding Missions Conducted from September 24 to September 30, 2023." <https://www.ombuds.am/images/files/a35f939de3e1ce0aebb9a4248f7a5868.pdf>.

Ilham Aliyev on the Fate of Karabakh Armenians.” *JAMNews*, 29.05.2023. <https://jam-news.net/aliyev-on-the-fate-of-karabakh-armenians/>.

International Association of Genocide Scholars Executive and Advisory Boards, “Statement Condemning the Azerbaijani Blockade of the Artsakh (Nagorno-Karabakh).” <https://genocidescholars.org/wp-content/uploads/2023/02/IAGS-EB-AB-Statement-on-Azeri-Blockade-of-Artsakh.pdf>.

International Crisis Group, Nagorno-Karabakh: Seeking a Path to Peace in the Ukraine War’s Shadow.” Briefing Nr. 93, 22 June 2022. <https://www.crisisgroup.org/europe-central-asia/caucasus/nagorno-karabakh-conflict/nagorno-karabakh-seeking-path-peace-ukraine>.

Ismayilov, Murad and Norman A. Graham. *Turkish-Azerbaijani Relations. One Nation – Two States?* Abingdon: Routledge 2016.

Kim, Yuri. “Statement of Yuri Kim, Acting Assistant Secretary of State for European Affairs, Before the Senate Foreign Relations Committee,” 14 September 2023. https://www.foreign.senate.gov/imo/media/doc/6667fb89-a975-4fab-d8b8-e8875312e37e/091423_Kim_Testimony.pdf.

Kirby, Paul. “Azerbaijan Launches Operation against Nagorno-Karabakh and Demands Surrender.” *BBC News*, 20 September 2023. <https://www.bbc.com/news/world-europe-66851975>.

Knaus, Gerald. “Europe and Azerbaijan: The End of Shame.” *Journal of Democracy* 26, no. 3 (2015): 5-18.

Kopalyan, Nerses. “Understanding the Aliyev Regime’s Armenophobia.” *EVN Report*, 8 September 2020. <https://evnreport.com/opinion/understanding-the-aliyev-regime-s-armenophobia/>.

Kurt, Selim, and Göktürk Tüysüzoğlu, G. “Another Perspective Regarding the 2020 War in Karabakh: The Relationship between a Frozen Conflict and Securitization.” *Journal of Eurasian Studies* 13, no. 2 (2022): 145-155. <https://doi.org/10.1177/18793665221096689>.

Lemkin Institute for Genocide Prevention, “SOS Alert – Artsakh.” 19 September 2023. <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh->.

Lemkin Institute for Genocide Prevention, *Report on Risk Factors and Indicators of the Crime of Genocide in the Republic of Artsakh: Applying the UN Framework of Analysis for Atrocity Crimes to the Nagorno-Karabakh Conflict*, 5 September 2023.

Lemkin Institute for Genocide Prevention, SOS Alert #2 – Artsakh, 22 September 2023. <https://www.lemkininstitute.com/sos-alerts-1/sos-alert---artsakh---2>.

Marcus, Kenneth. “Accusations in a Mirror,” *Loyola University Chicago Law Journal* 43 (2012). 10 October 2023. https://francegenocidetutsi.org/marcus_mirror_accusation.pdf.

Ocampo, Luis Moreno. “Call what is Happening in Nagorno-Karabakh by its Proper Name.” *Washington Post*, 22 September 2023, <https://www.washingtonpost.com/opinions/2023/09/22/nagorno-karabakh-genocide-armenia/>.

Pirzada, Shariefuddin. “The Nagorny-Karabakh Issue.” *Strategic Studies* 11, no. 3 (1988): 9–14. <http://www.jstor.org/stable/45182583>.

Reidy, Padraig. “The ugliness under Azerbaijan’s alternate reality.” *Index on Censorship*, 18 September 2014. <https://www.indexoncensorship.org/2014/09/padraig-reidy-azerbaijan-ilham-aliyev-turkey-armenia/>.

Richter, Elihu and Stanton, Gregory. “‘Ethnic Cleansing’ is a Euphemism used to Deny Genocide.” *Genocide Watch*, 31 May 2023. <https://www.genocidewatch.com/single-post/ethnic-cleansing-is-a-euphemism-used-to-deny-genocide>.

Rubin, Micheal. “Washington Needs a New Approach on Nagorno-Karabakh.” *Washington Examiner*, 19 April 2023. <https://www.washingtonexaminer.com/opinion/1414301/washington-needs-a-new-approach-on-nagorno-karabakh/>.

Sassounian, Harut. “Israeli TV Station Airls Propaganda on Azerbaijan-Israel Military Relations.” *Armenian Weekly*, 6 February 2023. <https://armenianweekly.com/2023/02/06/israeli-tv-station-airls-propaganda-on-azerbaijan-israel-military-relations/>.

Sauer, Pjotr. “Nagorno-Karabakh Crisis Forces Western Rethink on Azerbaijan.” *The Guardian*, 26 September 2023.

Schabas, William. “Atrocity Crimes (Genocide, Crimes against Humanity and War Crimes).” In *The Cambridge Companion to International Criminal Law*, edited by William Schabas. Cambridge: Cambridge University Press, 2016.

Scheffer, David. “Ethnic Cleansing is Happening in Nagorno-Karabakh. How Can the World Respond?,” Council on Foreign Relations, 4 October 2023. <https://www.cfr.org/article/ethnic-cleansing-happening-nagorno-karabakh-how-can-world-respond>.

Seraydarian, Melody. “(UN)involved in Peace.” *Armenian Weekly*, 4 October 2023, <https://armenianweekly.com/2023/10/04/uninvolved-in-peace/>.

United Nations Azerbaijan, “UN Team Completes Mission to Karabakh,” 2 October 2023. https://azerbaijan.un.org/en/248051-un-team-completes-mission-karabakh?_gl=1*1rcd4u1*_ga*Mzg5Njk2MzEuMTY3MzAzODI2OQ..*_ga_S5EKZKSB78*MTcwNTEwNjc4NC44LjE3MDUxMTY3MzQwMC4wLjA.*_ga_TK9BQL5X7Z*MTcwNTEwNjc4NC4yMS4wLjE3MDUxMTY3MzQwMC4wLjA.

United Nations Office of Genocide Prevention and the Responsibility to Protect, “Ethnic Cleansing: Background.” <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml>.

United Nations, “UN Karabakh Mission Told ‘Sudden’ Exodus Means as few as 50 Ethnic Armenians May Remain.” *UN News*, 2 October 2023. <https://news.un.org/en/story/2023/10/1141782>

US Department of State, Integrated Country Strategy: Azerbaijan, 7 June 2022. https://www.state.gov/wp-content/uploads/2022/06/ICS_EUR_Azerbaijan_Public.pdf.

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