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## **ARMENIANS SEEK BILLIONS OF DOLLARS IN LAWSUIT AGAINST TURKEY**

After struggling for decades to get the Armenian Genocide recognized, and having taken legal action against western banks and insurance companies, Armenian-Americans filed their first lawsuit against the Republic of Turkey last week, seeking compensation for confiscated properties and belongings, and loss of income as a consequence of the Genocide of 1915-23.

The lawsuit also targets the Central Bank of Turkey and the Ziraat Bank as financial instruments of the Turkish government. These banks as well as government-owned Turkish Airlines and Tourism Office have branches in the United States, making them subject to American jurisdiction for the purposes of this lawsuit. Should this case succeed, the plaintiffs' attorneys could demand the seizure of Turkish governmental assets located in the United States.

The multi-billion dollar class action lawsuit was filed in U.S. Federal Court by attorneys Berj Boyajian, Mark Geragos, Ara Jabagchourian, and Brian Kabateck on behalf of Garbis Davoyan of Los Angeles, Hrayr Turabian of New York City, and many Armenians whose ancestors had properties in Turkey. The grandfathers of Davoyan and Turabian owned land near Aintab and Adana.

The complaint charges the Republic of Turkey and its predecessor of confiscating, selling and deriving income from real estate and personal property -- businesses, buildings, lands, bank deposits, and priceless religious artifacts now housed in Turkish museums -- owned by hundreds of thousands of Armenians who were deported and exterminated during the Genocide. Specifically, the lawsuit seeks to recover moneys wrongfully received and deposited in the Turkish Treasury, government agencies, and other organizations affiliated with the State of Turkey.

During and after World War I, Turkey adopted several laws regulating the administration of properties allegedly "abandoned" by Armenians. The Turkish government collected rents and sale proceeds from these properties, and deposited the receipts in its Treasury in the names of their original owners, to be returned to them subsequently. Instead, the government withheld these properties and the income derived from them.

The plaintiffs accuse the Republic of Turkey of directing and participating "in a deliberate plan of forced deportation, confiscation and extermination in furtherance of the commission of war crimes, crimes against humanity, crimes against peace, torture, rape, starvation, physical and mental abuse, summary execution and genocide."

The news of the lawsuit was splashed across the front pages of most Turkish newspapers last week, causing great agitation in the country. Independently of the lawsuit's outcome, Turkish officials are certainly aware that it would generate worldwide publicity on Armenian demands from Turkey emanating from the Genocide. Given the traditional Turkish over-reaction to any and all Armenian issues, it would not be surprising if Turkey's leaders would become so irate

as to withdraw their signature from the already frozen Armenia-Turkey Protocols. Also, Ankara could abandon its failed efforts to woo some elements of the Armenian Diaspora.

Imagine how furious would Turkish officials become when Armenians demand the return of Turkey's Presidential Palace in Ankara, located on land confiscated from the Kassabian family. Furthermore, the Incirlik Air Base, a joint American-Turkish military facility near Adana, is built on the land of a former Armenian village. Armenians could sue both the Turkish and U.S. governments for deriving benefits from the expropriated properties of Armenian peasants.

Last week's lawsuit is a long overdue step forward in the pursuit of Armenian demands from Turkey and obtaining justice for the victims of the Armenian Genocide. Armenians must now concentrate their efforts on demanding fair compensation or return of all they lost during the Genocide. Similar lawsuits should be filed with the European Court of Human Rights, since Turkey is a member of the European Council and is obligated to comply with the court's verdict.

It would be highly desirable to have the Armenian Bar Association or a similar entity coordinate such legal action and provide the necessary counsel and resources for future lawsuits. It is important to coordinate such actions with the government of Armenia, regardless of whether it formally joins in the lawsuit. The unified Diaspora structure, proposed in an earlier column, could well serve as a coordinating body for lawsuits dealing with pan-Armenian issues.

Such lawsuits must be filed with utmost care, preparation and professionalism, as they impact the entire Armenian nation. Should any of these lawsuits not move forward due to procedural reasons, the Turkish government would quickly claim victory by misrepresenting the court's decision. Needless to say, judges handling such politically sensitive cases involving foreign governments are expected to come under intense pressure from both Ankara and Washington!

After seeking genocide recognition for almost a century, Armenians must now devote their time and energy to pursue all legal avenues -- U.S. Federal Courts, courts in various countries including Turkey, the European Court of Human Rights, and the World Court in order to recoup their massive losses and regain their historic rights.

Justice delayed is justice denied!