

From: [redacted]  
Date: 8 December 2009

cc: Michael Davenport, RuSCCAD  
[redacted]

To: Minister for Europe

**SUBJECT: Geoffrey Robertson QC – Was there an Armenian Genocide?**

Further to my 3 December submission on Geoffrey Robertson's legal opinion on FCO non-recognition of an Armenian Genocide, you asked why we do not simply say that the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide cannot be applied retrospectively?

- 1) We argue that the UN Convention on Genocide cannot be applied retrospectively in terms of having legal consequences (we tried to prosecute Turkish officials in 1918 and failed). Geoffrey Robertson accepts this argument.
- 2) Geoffrey Robertson argues that this does not prevent us from using the term "genocide", as set out in the 1948 UN Convention on Genocide, to describe events which took place before 1948. Geoffrey Robertson argues that the term should be applied in this way to events in Ottoman Turkey from 1915 to 16. [redacted]
- 3) The boundary is slightly blurred as the Holocaust occurred before the UN Convention was adopted in 1948. However we justify using the term genocide to describe the Holocaust because it was a direct catalyst for the UN Convention on Genocide.
- 4) We are frequently asked for the British government's assessment of the events that took place in Ottoman Turkey between 1915-16. We need to be able to give a view and express compassion for events which British politicians described at the time as crimes against humanity. We therefore prefer to acknowledge the horrific events that occurred, without applying a label to them. We try to take a forward looking position, to ensure lessons are learnt and allow the two countries to re-establish relationships. [redacted]

[redacted]  
South Caucasus Section