ARMENIAN PROPERTIS II

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In yesterdays article, we had explained that some lawsuits were filed against Turkey recently in the US for the compensation of properties of relocated Armenians. The first point which should be noted on this subject is that a lawsuit cannot be filed against a state in the court of another state. A state can only be judged in courts whose judicial competence is recognized by the state itself. These courts have an international statute, such as the International Court of Justice or the European Court of Human Rights. Looking at the issue from this angle, the Court of California in which the lawsuit was filed has no competence to exercise jurisdiction over Turkey. Taking this into account, the court should have rejected the Armenians petition for lawsuit on its own initiative, by putting forth that it lacks authority, but the court has not done this and has started the process of notification to the Republic of Turkey and the two government banks. The second point is that if the court tries the suit despite not having competence, its decisions will bring no results for Turkey. The third point is that it is essential, particularly for land actions, to be filed in courts of places where the real estate properties are found. Therefore, in principle, these lawsuits must be filed in Turkey where real estate properties exist, but as will be explained below, this is not possible either. As expressed in yesterdays article, Armenian properties were given back to those returning to the Ottoman Empire after the First World War. Based on the Treaty of Lausanne, this practice has also continued during the Republic period only to come to an end later on due to a lapse of time. Today, returning of these properties or paying compensation for them is not possible according to Turkish law. The fourth point is that in 1923, the US has asked for compensation for the properties in Turkey belonging to US citizens of Armenian origin and that after lengthy negotiations, an agreement has been concluded between the two countries in 1937 and accordingly, Turkey has paid 899.338 dollars of compensation. In short, the issue of properties has been settled between the two countries. In conclusion, it could be seen that a lawsuit cannot be filed in the US or Turkey for compensation of the Armenian properties and if it is filed, the court ruling will bring no results. On the other hand, one should bear in mind that Turkey has already paid compensation to US citizens of Armenian origin. These points are most probably already known by the plaintiffs and their lawyers. Attempting to file a lawsuit despite this should have other reasons. Year 2015, which is the 100th year of the Armenian relocation, has been chosen as the target year by the Armenian Diaspora. Within the upcoming 4-5 years, with the help of Armenia, the Armenian Diaspora will strongly strive towards defending the Armenian allegations and requests and accusing Turkey of genocide. Within this framework, it could be understood that these lawsuits will

try to keep Armenian allegations on the agenda of the world public opinion. In the upcoming period, it is expected that the number of these kinds of lawsuits will increase.

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