

TRADUCCIÓN PÚBLICA – PUBLIC TRANSLATION-----

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Argentine Republic Judicial Power -----

Declarative Resolution of historic events known as Armenian Genocide – Years
1915/1923-----

Official Use -----

Buenos Aires, April 1, 2011 -----

In view of the proceedings-----

To resolve the present case N° 2.610/2001 entitled “IMP. N.N. o/ complaint. Plaintiff: HARABEDIAN GREGORIO” of the registry of this National Federal Criminal and Correctional Court N° 5 of this city of Buenos Aires, under my direction, Secretariat N° 10 under the ownership of Pedro Diani Attorney-at-law and regarding the historic events known as Armenian Genocide (years 1915/1923), filed by the plaintiff party, Mr Gregorio Harabedian and Mr Federico Harabedian, both domiciled at President Roque Saenz Peña Avenue N° 517, 2º floor, of this city of Buenos Aires;-----

WHEREAS -----

1. The bringing of this action and the Community Representation. The trial to clarify the truth of historic events-----

These proceedings were brought on December 29, 2000, by virtue of writings submitted by Mr Gregorio Hairabedian and Mrs Luisa Hairabedian, in order to clarify events and facts known as Armenian Genocide, that took place during the period of time between the years 1915 and 1923, committed by Turkish Government, investigation promoted by the above mentioned people, acting as descendants in direct line of survivors of the investigated genocide, issues cited in writings of pages 1/12 directed to this Honorable Court-----

By virtue of that proposition, appeals Courts' Judges of that moment, decided on February 28, 2001 -pages 1/5- to refer this complaint to a lottery to select the Court's Jurisdiction that should be hearing the case in the future. -----

The decision was grounded in the favorable acceptance that Magistrates made towards the right of truth expressed by plaintiffs when affirming that "... in several occasions this Court had the opportunity to set forth the recognition of the rights emerging from national and international legislation regarding human rights issues (VID REG N° 1/95, 3/95, 6/95 among others) and that is trying to make effective up to present days, with the work that is carrying out to clarify what would have happened with victims of the crimes reported in the case submitted under this Court by virtue of the jurisdiction of law 23.049..."-----

With a previous clarification of the origin of the events expressed, regarding to crimes committed during a Military Dictatorship, over which investigations were made, the Judges of this Court, Mr Martín Irurzun, Horacio Raúl Vigliani, Eduardo Luraschi and Luisa Riva Aramayo, considered it excessive for the matter, circumstance that enabled the intervention of the Magistrate in order to get involved with facts and make a decision. -----

In order to gather all legal instruments, Mr Hairabedian was presented as plaintiff, with the indicated legal representation and the constituted domicile; and subsequently, according to the evidencing instruments, the representation in that matter of the organizations of Armenian Community in our country, namely; -----

1. **The Administrative Institution of Armenian Church**, represented by Mr Armenak Mezadouran; -----
2. **The Cultural Armenian Association**, represented by Mr Carlos Lázaro Seferian ----
3. **Argentine-Armenia Chamber of Commerce and Industry** represented by Mr

Arslanian -----

4. **Armenian Cultural Union** represented by Adrián Norberto Lomlondjian -----

5. **Union of Marash Armenian**, represented by Mr Luis Carlos Sandjian -----

6. **Tekeyan Association**, represented by Mr Sergio Carlos Nahabetian and -----

7. **The Union of Armenian Residents of Hadjun**, represented by Mr Shake
Kopoushian -----

Under such conditions, this action was brought in exercise to the right of truth by the plaintiff parties, their capacity and representations invoked in order to clarify the events presented for consideration of this Court, completing all corresponding procedural stages according to what will be exposed in the following entries. -----

2. The Attorney's General Office position. The Court's Decision -----

2.1. State's Attorney Intervention -----

It was given intervention to the Attorney's General Office regarding the criminal complaint, and according to what is stated in section 180 of Nation Criminal Procedure Code on March 12, 2001 – page 18 – moment in which the Judge in charge, Mr Gabriel Cavallo, decided to transfer and to ratify plaintiff's pretense of page 17. -----

As a result of such proceedings, Mr Miguel Ángel Osorio, General State's Attorney in charge of the intervening Attorney's Office N° 10, resolved on March 15, of the that year as it is shown in pages 19/20, to reject the proceedings, acting by application of Section 180 "in fine" -----

He grounded his decision on the principle of territory in application of criminal law, that by virtue of the place where crimes were committed, it is impossible to investigate them within the jurisdiction of the Argentine Republic, notwithstanding the condition of guarantor of our country of the Convention on the Prevention and Punishment of the

Crime of Genocide, section 75, subsection 22-----

Later, and after the Court of Appeals' decision dated October 10, 2002, to which I will refer in the corresponding entry, the General State's Attorney Mr Osorio pronounced himself accordingly to decision dated 10/22 of the same year- page 62. -----

There Mr Miguel Osorio, and after a brief summary of the case proceedings and referring to the upper decision and maintaining the criteria expressed in the before mentioned resolution, emphasized the impossibility of promoting a legal action and a punitive effect on this proceeding, although he highlighted that the intervention of the General Attorney's Office, was not necessary for the case taking into consideration that "...The investigation intended does not affect the intervention or action of the different State organisms and does not affect either, society interests..." -----

2.2 Court of Appeals' Decision-----

On October 10, 2002 – page 58 – Mr Horacio Rolando Cattani and Eduardo Luraschi, attorneys-at-law respectively, resolved to revoke the decision made on 06/22/01 by the former Magistrate in charge of this action, Mr Gabriel Cavallo.-----

The annulling decision was aimed at reconsidering the claim, based on the demand to investigate and clarify the crimes reported and to know the final fate of relatives and the place where their bodies lie, with no punitive effects over this. -----

So, and under the direction of this Magistrate, on October, 23, 2002, -pages63/9 – by means of a proceeding to which I tribute, it was resolved to dismiss the criminal claim and continue with the international investigation that was being conducted up to that moment credited by points 2, 3 and 4 of the mentioned decision - investigation then completed with documents obtained and with testimonies presented before this Court and those offered by the plaintiff party. -----

By virtue of the above, an extensive process of information gathering was started,

making use, for that purpose, of the means of evidence authorized by the National Criminal Procedure Code, and with the intervention of the plaintiff, unified in representation of the different Organizations of the Armenian Community in the Argentine Republic.-----

In order to describe precisely the evidence produced and by virtue of which this decision is based, it should be divided in a) Information obtained by International Rogatory Letters issued in the case; b) The information provided by the plaintiff in cases of absence of response regarding certain Rogatory Letters; c) Testimonies, those provided in Court are expressly detailed.-----

This, and notwithstanding the abundant documents attached to this resolution as a integrative part of the same -----

3. Information Obtained. International Rogatory Letters and Plaintiff information -

3.1. International Rogatory Letters.-----

The plaintiff party issued several International Rogatory Letters, in order to obtain all information requested regarding the events investigated. So there are:-----

a) Rogatory Letter to the Turkish Government: -----

Ordered in pages 63/9 it was aimed at obtaining a detailed report of the fate of Mr Gregorio Hairabedian's relatives established in Palú (Jarput) and Zeitún (Soulemainy) respectively, during the events that took place between the years 1915 and 1923 in the mentioned cities. -----

The Rogatory Letter also requires to make available, to this Magistrate or to the natural or legal person expressly authorized to that effect, all files related to the mentioned events in which some relatives of Mr Hairabedian were victim either due to deportation, disappearance, execution or any other extermination method; as well as the possibility to practice "in situ" any kind of investigation aimed at finding the bodies

of those people. -----

This Rogatory Letter, as it is evidenced in pages 274/345, has negative results since the authorities of the State requested considered that the International Convention does not grant judicial authorities to the Court over such question. -----

b. Rogatory Letters issued to the Government of Great Britain, United States of America, Germany and Vatican City State. -----

Following the same procedure before mentioned, it was requested to said States the provision of all information available in their files related to the events that took place between the years 1915 and 1923 in the jurisdiction of Turkish and in the villages of Trebizonda, Erzerum, Vitlis, Diarbekir, Jarput and Sivás, where the Armenians lived among other territories, under the Imperial or Republican Administration of Turkish. ----

It can be observed, in consequence, in pages 751/3 the negative response issued by Great Britain "...that they cannot assist in this particular case since the Rogatory Letter clearly states that it is not formalized according to a criminal investigation under the domestic legislation contained in "the crime international Co-Operations Act 2003"..." -----

Similar criteria, is applied by American authorities according to document of page 493 based on the criteria of being impossible to execute the request since there is no criminal investigation. Such response was taken into account by this Court to issue an authorization to the plaintiff to conduct an investigation in order to submit the requested documents, contained in pages 534/748 of this record. -----

German authorities took a similar position to that of Great Britain and United States of America stating that it was not possible to comply with the request since there was no criminal investigation; nonetheless, the authorities provided some information to comply with the plaintiff's request indicating the existence of documents in the

Political Archive of Foreign Affairs Ministry in said country, giving also place to a document gathering in situ authorized by Court, the result of which is enclosed to the investigation. -----

Finally, the Vatican City State answer the request in pages 151/2 considering that it was proper of a historian, advising to look for the information in the place of the events or in the Archives of the Vatican that "... are open for investigation..." -----

c. Rogatory Letter to the United Nations Organization (UNO)-----

Said request was aimed at:-----

a) Sending a certified copy of the "verified and updated report about the prevention and punishment of genocide crime" prepared by Ben Whitaker and approved during the 38° meetings period of August 1985 – E.CN.4/Sub 2./198576-; and -----

b) Certified Copy of 38° meeting minutes, subject 4 of Provisional Agenda, documents enclosed in pages 113/46 of these proceedings. -----

d. Rogatory Letter to the Government of France-----

Notwithstanding the refusal of the requested government based on the lack of legal competence, the plaintiff enclosed in pages 784/930 copy of files obtained in the Foreign Affairs Ministry with its corresponding translation.-----

e. Rogatory Letter to the Government of Belgium -----

The Government of Belgium informed "... investigations and files corresponding to these tragic events are kept on (P&C 1) records of this Department. They are basically documents exchanged between the Department and the diplomatic representatives of Belgium around the world. This Department does not object to review the documents in the office where there is a reading room which is open every day from 9am to 4pm with no interruption..." the plaintiff enclosed to this record those documents duly processed and classified. -----

f. Rogatory Letter to Armenian Government. -----

It was carried out by the Armenian Justice Ministry; they sent twelve thousand documents approximately (12.000) but no report regarding the plaintiff's, Mr Hairabedian, relatives.-----

g. Rogatory Letter to the government of Greece, Syria, Lebanon, Egypt, Jordan, Iran, and Palestine. -----

The request made to Greece was not carried out; Rogatory Letters to Syria, Lebanon and Egypt were sent back from Ministry of Foreign Affairs in order to be translated to Arab, the same happened with the Rogatory Letter issued to Iran; There is up to now, no response regarding the Rogatory Letter issued to Jordan; and the Ministry of Foreign Affairs informed that it was not possible to issue a Rogatory Letter to Palestine. -----

h. Rogatory Letter to the Red Cross Committee and to the Armenian Apostolic Church -

Up to now, there was no response regarding the request to the Red Cross Committee and the Armenian Apostolic Church expressed that they were incompetent to provide information-----

3.2. Plaintiff's document contribution -----

As it was mentioned before, this document contribution is made as a consequence of the negative responses provided by most of the International requests issued, and most of those responses made reference to the availability to consult or obtain the corresponding files. -----

Consequently, this Court authorized upon plaintiff's request, the constitution "in situ" of those national public files and the gathering, processing and consideration of the information obtained before the Court, procedure that was developed throughout the processing of the docket. -----

Documents gathered by plaintiff were enclosed to the investigation and are specially detailed according to the report of pages 954/5 of these proceedings; among them are:-----

- a. Documents of the National Files of the State Department of the United States of America.-----
- b. Documents of files of the Republic of Armenia-----
- c. Documents of files of the Federal Republic of Germany.-----
- d. Documents of the British Empire -----
- e. Documents of the Vatican City State. -----
- f. Documents gathered from the Ministry of Foreign Affairs and International Commerce of Belgium. -----

The plaintiff also enclosed other documents of interests according to the guidelines of the request, such as:-----

- *Compact disc containing document summaries -----
- * Certification of the member of the Permanent Peoples' Tribunal and Nobel Peace Prize Mr. Adolfo Perez Esquivel, about the authenticity of the booklet named "Permanent Peoples' Tribunal, Session about Armenian Genocide"; -----
- * Official Reports about religious people murdered during genocide; -----
- * Report prepared by the Oral History Program of the Philosophy and Letters School of the University of Buenos Aires, related to the oral testimony of survivors of the genocide;-----
- * Certificate of the Armenian Apostolic Church, about Gregorio Hairabedian relatives and about people residing in Eastern Anatolia; and -----
- * The contribution to call all victims' relatives to provide oral testimony for this case; those stories will be detailed in point 4 of present document; -----

4. Testimonies provided in the case-----

Upon plaintiff suggestion, it was accorded the reception of a segment of testimony declarations providing the possibility to hear in Court either directly or by their relatives, the facts investigated.-----

Consequently, upon plaintiff's proposal, different people from the Armenian Collectivity in Argentina appear before the Court. They were called taking into account their knowledge about the facts as well as the quality of witnesses competent and with full capacity to testify before a Court under this investigation framework. -----

The most relevant facts of those testimonies will be detailed as follows. -----

4.1. BAUTISTA KUYUMDJIAN'S testimony -----

On November 27, 2009, he declared to be argentine naturalized, bearer of personal identification document MERCOSUR N° 1.752.660, married, attorney-at-law born on 02/11/1920 in Adana, Armenia at that moment, currently Turkish territory, domiciled at Figueroa Alcorta 3662, 8° floor, of this city.-----

He expressed "... that he will be very precise in his story, and he will refer only to those facts that directly affected his family. He referred to his parents, grandparents and predecessors. The facts are known to him since, despite he was only 3 years old at the time of events, when his relatives arrived to this blessed country, Argentina, facts were continually referred to within the family so he can assert among other things the following: his family is native from a village called Hadjin; where they lived during generations exercising freely the Christian religion. The extermination policy of the Ottoman Empire government and later Turkey was based on the territory expansion of Turks over Armenians; when the army arrived to a village people were threatened to go out to another neighbor Armenian village. People went out walking with their belongings throughout the desert to reach the next village from which they

were expelled later and obliged to go to another neighbor village. In their way, the army hounded people and they died because of starvation, because they were thirsty, exhausted, sick, or they were directly murdered with malice. His father used to tell an episode of a Turk soldier that opened a pregnant woman's womb and took the little baby not born yet, he stuck the baby in a bayonet and told Armenians, now go and pray for help to your God, to the God you believe on. Episodes like this were seen several times. Apart from their parents, the witness had heard in the city of Buenos Aires, a group of survivors of the village of Adjin gathered together in his parents' house talking about similar events. Stories narrated among them remembering with pain the moments they had to live. The reasons expressed during those meetings were the territory expansion policy of Turkish government and religious issues – since Armenia was the first country to adopt Christianity as official religion- and Turks converted into the Islam, found in religion one of the reasons to conduct the genocide. The attitude of the Turks towards the Armenians, with the bloodiest expression in episodes like that narrated before, was permanent throughout the whole Ottoman Empire that at that time covered Syria, Lebanon, and a great part of Europe. His parents could run away and sought refuge in Damascus, Syria thinking that in a more important city those acts were more difficult to be committed. Notwithstanding that young Armenian people both men and women, were persecuted, men were sent to desert and to army and women were violated and taken as concubines. In order to find more security, his parents settled themselves in Syria, Damascus; then they went to Adana, where the witness was born, and from where they also had to leave to find more security going back to Damascus, and lastly, find a Christian country where they could get refuge; so they were lucky to arrive to Argentina, where they found peace, the possibility of living, of being educated, and not being discriminated, and in the

case of the witness he received free primary and secondary education and also he went to the university and had the honor of being teacher in the Law School where he graduated. He also informed that he could only get in contact with his grandmother since his other three grandparents had been murdered and he had never met them. Upon the plaintiff's request Your Honor asked him which would be his desire regarding the case, and he said: that his only desire is to make known the truth and eventually do justice, with no economic compensation requested but the satisfaction to know that his parents and grandparents were not forgiven and to honor their memory..." -----

4.2. HAIK LOMLOMDJIAN'S testimony-----

Testifying on November 30, 2009, being Argentine naturalized, bearer of identity document N° 93.332.067, married, retired, born on 01/12/1917 in Marash, Turkish State, domiciled at Gualeguaychu 1050, of this city-----

He stated that "... he considered himself a result of the genocide, born on 1917 during the genocide. That he always remembers his native city. That the city was a strategic point since the Crusades use that way to go to Jerusalem, that's the reason why there were so much reddish people in our village, Armenians are mostly dark-haired. In Marash, the Ottoman Empire did not enable the building of churches on the ground level, churches must be built underground, and those are his memories about the city. He also remembers killings, every five or ten years, the Turkish government declared a free day to attack Armenian villages and kill and steal them. He remembers that the former husband of his mother was killed by Turks on 1907, it was called the slaughter of Adana where among thousands of people, this person was killed when he went out of a shop running away from his persecutors. These killings took place every 5 or ten years. In 1905 the Great killing occurred, where more than two-hundred thousand

Armenians were killed. His mother was widowed and pregnant. His mother's father-in-law, had a daughter who was married the witness' father and who died during pregnancy. So his father and mother were orphans. When the Turk government ordered to go to the desert, the father-in-law, a not very intelligent man, thought: my son is just born, my daughter-in-law and my son-in-law are widows, I will ask them to get married so during their stay in the desert they can also take care of their grandchild. So they stayed at the south of Syria, in the desert, in a village near Damascus. In 1917 the witness was born and they went back to Marash expecting that the war against the Ottoman Empire was over so Armenians could be free, with their own government. In Marash there were 20.000 Armenians and 20.000 Turks. Armenians were storekeepers, farmers, and workers. The Turks were part of the government or the army and they gave orders to everybody. When they came back, the French army had occupied strategic points, but they could not occupy Marash fort since Turks were there. The French army had 300 Armenians volunteers that fought to win the war. However on January 20 1920, Turks began a revolt, attacked Armenians at their houses and again they should gather at churches and schools. His family got refuge in Betchalem, a German school from which they could not go out since outside there were snipers. French army defend themselves but did not attack. In a church there were 1500 Armenians that were burnt by Turks. The French commander in chief did not allow the army to save them. During the winter, there was an air bomb attack to the Turks. This was a way to deport them, making Armenians to go out from their shelters to deport them from Adana to Cyprus. It was a snowy mountainous way, so his grandmother and three of his sisters frozen themselves and died. One year later, as soon as the war was over, Turks went to see an Armenian catholic wealthy man who gave the French commander in chief his house to stay in.

They arrested him; they cut his head off and showed it on a pole over the city. The real thing is that French people, they believed they could free them, retired themselves contributing in that way with the massacre. Survivors decided to go out from Marash leaving everything they possessed. With his short age, four or five years, he went to see the burnt houses in the Armenian neighborhood. With hope his father started a caravan of more than a hundred people who abandoned everything to go to Syria with the intention of saving themselves. He remembers as a film that, as soon as, they went out of Marash they saw a gendarmerie control post; the caravan was stopped and they were asked: "Who is Artin" (his father and three other men were called Artin); they took them to the rear part. The caravan did not continue since they wanted to know what happened with those men. After a couple of hours, they came back running from the valley towards the caravan, they joined again to the caravan and continued their way. The first night, they sheltered themselves in a Church in Aitab, later they crossed a river and arrived to Aleppo, where there was a huge tent where they could get refuge out of risk. There they looked for a place to stay and a job and that was their lives during that period. He indicated that from the 20.000 Armenians in Marash only 8.000 remained alive. He was asked to add any other comment to his story but he refused to do so, in consequence the act was finished, after reading and ratifying all sayings and signing after Your Honor and before me, which I attest..."-----

4.3. MARGARITA MARGOSIAN'S testimony-----

Testifying on December 1, 2009, being Argentine naturalized, bearer of identity document N° 2.626.513, married, housewife, born on 08/08/1931 in the city of Cordoba, from the homonymous province, domiciled at Salguero 2121, 7° 15, of this city-----

She stated that "...her parents were born in an area near the center of Turkey, the place was called Anatolia. That her mother's family, consisted of thirty persons living in a house and they were a wealthy family taking into account the village's standards – Tomarza - Her maternal grandfather's brother, was bishop in a monastery. The Monastery was a place where poor families could get something to eat. Her grandfather received the tax collector at their house. When that person was there, girls could not go out to see him. They were hidden because if there was no money at home, the tax collector could take girls to sell them to a harem. In her mother's house lived a very young priest. The gendarmerie came to look for the priest and her mother and cousins asked them not to take the priest; however they tied up his hands to a horse's leg and drag him on the floor. Then they cut off his head. They did not allow the priest to be buried since they considered that his body should be shown in order to intimidate. However her grandfather (since he had certain influence) together with other men buried the priest during the night. She also declared that her father's family was very poor and her grandfather and father worked as shepherd. When all this events took place, they came to her grandfather's house to take him but he hid himself. They entered into a room where there were three women, her grandmother, her mother with a baby in her arms and a sister-in-law. They intended to take her grandmother with them but she suggested that they should take the younger women. One of the women hid herself and her mother with the baby in her arms began to fight to prevent being kidnapped. The man took the baby from her arms and smashed the baby against the floor, so her little brother died. The man took her mother to a place where they piled up dead bodies; however the most impressive thing was her neighbor with his tongue cut because he refused to talk. Everyone there, were bloody people, hit, with bruises, it was very impressive. The witness declared that her mother

was not touched or injured and that finally her grandfather surrendered (he was the person they were looking for). Her mother kissed his father's forehead and that was the first disappeared person of the family. There started the death caravan, her mother was with her mother-in-law, her parents and aunts and four children. The paternal grandmother was left aside in their way because she was ill. The caravan continued, they could not stop otherwise they were whipped, they wore no shoes or clothes; there her four brothers were died. During the way they died because of starvation, they drunk camels, donkeys or horses' urine and as they move forward babies began to die. Since they could not bury them, her mother during the night made a whole with her hands and there she placed the body of her son. They covered the grave with stones to prevent the body to be eaten by wild animals like wolves, dogs etc. That was the way in which she buried her four sons and the rest of her family. They arrived to a place known as "the death route" in that place they were divided into two groups, those that would continue over the route, on the one side, and those that would not continue, on the other side. Her mother that night could cross the dividing line and she saved herself. The place where they were conducted to die was the desert of Der-El-Zor. Then she went to a city called Adamo, where her brother was born; the baby could survive and died two years ago in Cordoba being 89 years old. That in the year 93 she began a journey together with her grandchildren and her daughter and brother in the opposite way they have done in order to find a cross, a stone, o any place where she could identify any of her brothers, but there was nothing. They also arrived to the village and began looking for her mother's house (she confirms that people from that place was very grateful and asked them why they were there) she found the house and when she opened the door a Turkish woman pointed her with her finger and told her that she was there because she was

trying to take the gold from the house. The witness denied that accusation because she understood something. She asked the guide to inform that she was there to know her mother's house and she showed the bag where she carried some stones for her parents' grave. She tried to go to a church where everybody had been baptized but they refused to show the place. Then a forty years old couple approached to her brother and told him: "I will take you to the church". They opened the door and it was very sad to see a church full of carbon, firewood, trucks, etc and in the altar with very golden letters, was written an Armenian prayer that was not destroyed. That should have been a golden painting. That her mother was affected to such an extent that some years later, in Argentina, revived those events, when military forces entered into the house where they lived to kidnap her niece and she reacted with horror saying "Turks" or "there comes the Turks". She would also like to add that the village from where her mother-in-law was native, Zeitún, was completely burnt with its inhabitants within..."-----

4.7 CARABET TOPALIAN'S testimony-----

Testifying on November 24, 2009, being Argentine naturalized, bearer of identity document N° 7.638.338, single, retired, born on 03/12/1927 in Pireo, Greece, domiciled at Cerrito 1530, 10° C, of this city -----

He declared: "...to be son of Artin Topalian and Hamik Kerorkion, both of the province of Konia, on the shore of the Mediterranean, that at the moment of events had a very little population since there were 200 families living there, that together with other three hundred or five hundred neighbor villages were expelled on 1922 because of the Kemalism "The Turkish National Movement". His father was soldier of the Turkish army, and during his absence there were vandalism in his mother's house and in other relatives' houses, so they were obliged to leave the place with a contingent of

people leaving in the route to Italy towards a camp in Greece. They lived there during years, until the witness was born in 1927 that is the reason of his origin. In the year 1929 his parents and his grandmother arrived to Argentina and they lived in Armenian neighborhoods where the community founded their idiomatic schools and he had the possibility of assisting them. That he based his knowledge of the events on his parents and family stories and by some institutions that formed together with other immigrants the idiomatic Armenian school and being part of the youth commissions that the community had been founding. That he had been part of the Institutional Armenian life when he was an adult man so he can transmit direct experiences and knowledge acquired as it was mentioned before. That his direct family suffered a brutal attack in his own house, and his mother was injured with a recently born baby, so they were obliged to abandon the territory. Directly from his parents, he can provide little information about the facts that took place during the years 1915 however he can provide information about the experiences shared when he was in contact with people of the community. Episodes narrated by direct relatives described a terrifying scene, they experienced the death of their fathers, mothers, brothers, sons etc, and this is historically documented; they always asked themselves why did this happen, they have never been the subject matter of a conflict. However, there was a clear and permanent harassment intention towards them that made their lives impossible in the cities and villages where they used to live. When he made reference to vandalism, he referred to the burning of churches, houses violation, and killings over the street, and especially the caravans of people expelled from their cities directly to find death in their way. Those that were lucky to join an exiled camp saved their lives but that was not the case of people murdered as it was detailed. The Armenian problem in Turkey is part of the problem in the East. The famous Congress

of Berlin 1878 provided better living conditions due to harassment suffered from direct exportation of land with excessive tax measures for farmers. This generated a resistance movement of rights recognitions. Balkan movement of national recognition also generated the need to obtain national rights by means of international claims, young Turkish movement but different from the Balkan ethnics that separated themselves from the Ottoman Empire by secession of territory and forming National States. Those movements were also attributed to some Armenians and there began harassment. However, they were interpreted incorrectly, since the Armenian did not expect independence, but to have a better way of living and the execution within the international diplomacy intervening in domestic issues that provoked pressure and violence towards the government, to silence the claims in the area. The Armenians adhered to Ottomanism, but they provoked a supra-national thinking, generating an excessive Turkish nationalism that provoked malice towards other ethnics particularly towards Armenians. And in that way there was a cruel State Turkish Policy against the Armenians. It should be highlighted the repressive events that took place in 1896 and 1897 known as the Hamidian Massacres (Sultan) to refrain those aspirations that afterwards got worse when the Young Turks took the government executing an organized program of Armenians extermination. That the organization was in charge of an a Special Committee which was composed of Talaat, Pashá Enver – Prime Minister – Enver – Interior Minister – and the third Nazim Bey who was the Security Minister; they gave the order of exterminating all the ethnic, without considering, ancient people, children, women, etc. Women were kidnapped and in most cases sold as slaves, children were given to the care of Turkish families or directly they were killed in the most savage way. He remembers that some people from his town died in the caravans. That it is clear that what happened was the

extermination of the Armenians by the Young Turks, particularly from the farming areas and that constituted what is called "Historic Armenia". He was asked to inform if after the events that took place during the years 1915 and 1923, years in which it is estimated the facts occurred, the Turkish government continued to harass the remaining of the Armenians in Anatolia, and he responded affirmatively, existing from that time until today an implemented strong repressive mechanism that in a way or another continued with the crimes in the Armenian nation and furthermore today there is a typified crime consisting of making reference to the Armenian case as a genocide; circumstance that is made extensive to other similar events perpetrated by the same government, such as those that took place in Cyprus. He added that in 1956 there were events of vandalism against Greeks and Armenians, measures and laws to confiscate Armenians goods and properties during the years 1930, 1940 and 1950 and during the years 1960 there were repressive measures and some acts of insult to the churches that are now in Turkish territory. Going now to the origin of episodes the witness informed that it had been arrested in Istanbul, 250 intellectuals, bishops, priests, and social actors that represented the community and that they were murdered on April 24, 1915. Afterwards and according to an order provided to all governments, it began a genocide plan, the order was provided by the maximum authority Talaat Pasha. The order was to exterminate all Armenian ethnics without any contemplation. As from that moment all the nation, the cultural heritage, national symbols were subjugated besides the physical extermination of the components. He also would like to highlight for a better understanding of facts, that Armenian nation, was subject of the Ottoman Empire without conflict of any kind. That as from the transformation of the Monarchist system in the form of the so called Constitutional Monarchist and the government of the Young Turks, the Armenians continued being

a nation; so he can transmit direct experiences and knowledge acquired as it was mentioned. That his direct family suffered brutal attacks in their own house, her mother was injured with a baby of months and she was obliged to abandon the territory. Directly from his parents, he can provide little information about the facts that took place during the years 1915 however he can provide information about the experiences shared when he was in contact with people of the community. Episodes narrated by direct relatives described a terrifying scene, they experienced the death of their fathers, mothers, brothers, sons etc, and this is historically documented; they always asked themselves why did this happen, they have never been the subject matter of a conflict. However, there was a clear and permanent harassment intention towards them that made their lives impossible in the cities and villages where they used to live. When he made reference to vandalism, he referred to the burning of churches, houses violation, and killings over the street, and especially the caravans of people expelled from their cities directly to find death in their way. Those that were lucky to join an exiled camp saved their lives but that was not the case of people murdered as it was detailed. The Armenian problem in Turkey is part of the problem in the East. The famous Congress of Berlin 1878 provided better living conditions due to harassment suffered from direct exportation vandals with excessive tax measures for farmers. This generates a resistance movement of right recognitions. Balkans movement of national recognition also generates the need to obtain national rights by means of International claims, young Turkish movement but different from the Balkans ethnics that separated themselves from the Ottoman Empire by secession of territory and conforming National States. Those movements were also attributed to some Armenians and there began harassment. However, they were interpreted incorrectly, since the Armenian did not expect independence, but to have a better way

of living and the execution within the international diplomacy intervening in domestic issues that provoked pressure and violence towards the government, to silence the claims in the area. The Armenians adhered the Ottomanism, but they provoked a supra-national thinking, generating an excessive Turkish nationalism that provoked malice towards other ethnics particularly towards Armenians. And in that way there was a cruel State Turkish Policy against the Armenians. It should be highlighted the repressive events that took place on 1896 and 1897 known as Amit Massacres (Sultan) to refrain those aspirations that afterwards got worse when the Young Turks took the government executing a plan organized by the monarchy without having declared war. This means that the extermination decision was directed over a civil population conformed by its original ethnic. Your Honor asked him to describe the evolution of harassment that finally resulted in events occurred during the years 1915/1923 and he stated: that in 1896/1897 as he previously informed there were repressive acts towards farming movements to avoid the reproduction of Balkans separatist movements. In 1908, the Young Turks declared the Constitutional Monarchy and the Liberal System and it was created a parliament where all ethnics participated in a representative way; but in 1909, a year later acts of vandalism and crimes were recorded in the village of Adana, the area called "Little Armenia" or "Silicia" that is now a very important city of Turkey. That 30.000 Armenians were murdered. That these are the events in which historically can be recognized the origin of genocide. That the witness and the community to which he belong desire that the Turkish Government recognizes these tragic facts and repairs the damage as it correspond..." -----

4.8 ANTRANIK ARSLANIAN'S testimony -----

Testifying on November 25, 2010, being Argentine naturalized, bearer of identity

document N° 4.506.750, married, dentist, born on 10/26/1921 in Beirut, Syrian Arab Republic, domiciled in Pareja 4142, of this city-----

He declared: "...that he is an Armenian genocide's survivor. He was born in the year 1921, eight days after his birth they should emigrate, since the Turkish government ruling after the Ottoman Empire collapse and the French government that occupied our lands instead of granting lands to Armenians as they had promised, granted them to Turks. That his mother and his father were survivors of deportation, who saved their lives miraculously, despite more than a million people were dead spontaneously. They did not waste a bullet, they had been taken to the desert from their houses, and approximately 80 or 90 people were taken to the desert of Syria and most of them died in their way because of starvation and illnesses. Caravans were directed by criminals taken from prisons and also accompanied by the Kurdish army that took the opportunity to adhere the Ottoman Empire, as Muslims. Most of the people were taken to the Syrian Desert on the Coast of Euphrates River. There was no food or water there. People starved and were thirsty and ill so they died. That his parents went to the desert with two sisters and a brother and that they died because of scurvy. There was no doctor in the caravan, so the most people died the better, and the caravan began to reduce. All caravans arrived to the city of Alepo one of the most antique cities in the world, and from there they went to the Euphrates, that began to turn red due to the blood of murdered people. He also noted that at that moment Syria was part of the Ottoman Empire. That his parents despite this tragedy were lucky to arrive the city of Hama and Homs, were they remained for two years approximately eating grass. Meanwhile, his brother and sisters died because of starvation and scurvy. The caravans of people taken to the desert were part of a systematic plan employed by the Ottoman Government to exterminate Armenians native of the lands

where they lived during 4500 years. That according to the known history books, the Armenian history began in the Ararat Mont, where the Noah's Ark stopped. That Turks are invaders, they came from Liberia steppe, they were Mongols, and they took over Anatolia, the Balkans and dominated as from that moment as superior people despite most of them were illiterate. Armenians were considered as second class Turks' citizens and killing an Armenians was easiest than killing a dog. Unfortunately, in case the Turks find an Armenian woman of their like, that woman was taken to the harem. Regardless she was virgin or married. That was their plan to improve their Turk nationality intellectually, and Armenian women were treated worse than a slave. Armenian youth simply asked for respect and to be recognized as a minority. They never pretended independence from the Turks, they were Turk's citizens with Armenian nationality. Despite all this, the Turks had already designed the plan to exterminate the Armenian problem and a million and a half of them were murdered. The only thing they pretended was to be respected as citizens, and that they had never asked for independence. All this happened during the First World War that began in the year 1914, and Armenians were among two fires: as Caucasians one part was under the power of Turks, and the other was under the power of the tsarist Russian Regime. The Armenians that were in the tsarist Russia must fight in the army. And the same way those that were in the other side in favor of Turks. Since the Turkish plan was to exterminate the Armenians, soldiers that served for the Ottoman army were murdered without compassion in that war. Those that saved their lives from the genocide came back to their towns and found their cities burnt, ruined, the churches were destroyed and they intended to recompose their lives. Unfortunately, there appeared the kemalist movement supported by the French government; Hadjim that had approximately 30.000 habitants survived 5.000. And when they tried to

defend themselves from Kemal, 4.500 out of the 5.000 habitants were dead. His parents survived that second killing and the witness was born in the neighbor city, currently called Adana. Before that, his brother that was also born there died because of measles. Mustafa Kemal's policy was to exterminate the remaining Armenians and with eight days of life he could get into a Greece boat in the Port of Mersin, the boat came to save the very few Greeks remaining. This precarious boat travelled all over the Eastern Mediterranean sea and since they were refugees every port they arrived refused to receive them. They arrived to Portsaid in Cyprus and they did not receive them, in Esmirna either, in Constantinople either. They did not have water in the boat and fortunately the boat arrived to Pireo in Athens. There were three or four boats and they were taken to an open area where they settled a shantytown. They did not have water, or shelter and his parents every morning began building some mud bricks and they could survive despite the very bad economic condition of Greece after losing the war. The witness submits an investigation on the Armenians Genocide carried out by Claude Mutafian, in which it is very well explained how was the plan carried out, the report is kept in the Secretariat Office for Your Honor's request..."-----

4.9 SIRANOUCHE BADANIAN DE DERMOSESSIAN'S testimony -----

Testifying on November 26, 2009, being Uruguayan, bearer of identity document N° 4.810.567, widow, housewife, born on 12/08/1926 in Lattaqie, Syria, domiciled at Directorio 2386, 1° 5, of this city -----

She declared: "...That her parents were born in Zeitun. It was a mountainous town in the Valley of Taurus. Both of them were born in different villages. In May 1916 occurred the greatest Turk attack against the village and her father was 19 years old. She knew because her parents told her, that some time before there were several attempts to be taken out from their houses, and that there had been fights and battles.

Her father told her that Turks had always been repelled thanks to the strategic position of the village. But in May 1916 Turks sent a greater army to achieve their objective. As they moved forward, they burnt houses, murdered Armenians and took them out of their houses of course; the few Armenians that could run away, found refuge in churches, but Turks took them out the churches, and burnt the churches, so they found themselves obliged to get refuge in a fort, in the upper area of the village. That Turks had designed a plan to take them out the fort, so they convinced the Armenian bishop of the city of Marash, the capital city of the village, asking him to go and tell the native people of Zeitun who were in the fort, to surrender and they would not be suppressed and that they would be transfer to another area. So her parents that were nearly dying in the fort decided to go out. In the moment they went out they were attacked by the Turks and his grandfather was killed. When her father was trying to run away, he was stabbed and the few people that could go out were taken as prisoners. They were taken from that place in a convoy to a village in the north of Syria – Ras-UI-Ain, where they met hundreds of Armenians. They had never received food, they stayed there for a time in a kind of quarter and one day they were obliged to go out in caravan towards the desert of Der-EL-Zor. In a very big caravan, where most of the people died, one Turkish soldier tried to violate her grandmother. Her father was together with other two brothers and a little sister. When the soldier tried to abuse her grandmother, she resisted and was murdered. She remembers that during the night when soldiers were sleeping they dug a grave and buried their mother. At dawn they were obliged to continue walking and suddenly they saw a group of Kurds on horses that tried to kidnap his brothers. The eldest was twelve and the youngest was 8 or 9. The eldest one stood in their way to protect them, he was murdered and her father was shot in his shoulder. The wound left him a scar in his shoulder; she

remembers that perfectly because she saw it. When it was getting dark, the Turks verified the area, and believed that everybody was dead and left. They were left at the mercy of luck. Injured as he was, her father reached an Arab village where people lived in tents. They saw him naked, she noted that Turks left Armenians without clothes and shoes, and knowing what had happened to Armenians these Arabs gave him some food, cleaned his wound, and dressed him with Arab clothes and turban so as Turks could not recognize him. Arabs asked him to leave the village as soon as he could because the Turks were verifying all tents in order to find any survivor remaining. So her father walked a lot, living of begging, eating what people gave him, getting into carts passing by and after that he arrived to the north of Iraq to Bakuba city. There he found several Armenians, some of them from the same village he was native and everybody told the same terrifying story and since her father was an educated man - second year of teaching training in the village – they read the Bible and prayed. Some time after being in that tent, her mother together with her father arrived with another experience. When her mother was a child went to live with her grandparents since her mother was very ill when her sister was born and could not take care of both. Her father and grandparents were in the same village but at certain distance. When Turks entered her house to remove her father, they also tried to kidnap her mother and her sister, but she resisted so Turks killed her mother and her sister. Her father told that story to the witness. After some time Turks arrived and removed them from their house, her mother could only remember going out with her father and grandmother, she could not remember anything about the rest of the family and she did not know what have happened with them. She together with her father and grandmother were taken to the village of Ras-UI-Aim where the witness' father was taken and began walking through the desert in caravans with no food or water.

She remembers that since they were hungry her grandmother pulled up some grass from the side of their way and they ate that and because of that she became sick and fell down. They tried to help her but Turks obliged them to continue their way. In those conditions the witness' mother and her father arrived to the Arab tents. There, they ate and then continued their way towards Bakuba 1 Iraq, where she and the witness' father met. There began the story, they married in Bakuba, and her father decided to work so they went to Bazora but he could not get a job there so they decided to move to Bagdad. There her father began working in an English petroleum company and after some time they arrived to Syria where her father found out the story about his brother. He received a letter in which he told him that a Kurd took him to live with his family but that the French army that was looking for Armenian children rescued him and took him to an Armenian orphan in Greece. Your Honor asked the witness to explain, as much as she can, if her parents could be conscious about the reasons why Turks carried out the described terrifying events, she said that based on several conversations held with her parents she can understand that the genocide was executed because of territory expansion reasons and religious hate. They burnt churches that evidences that hate. That Enver Pasha, Talaat Pashá and Kemal Atatürk basically, were the responsible persons for the killing. And before that, the sultans of the Ottoman Empire were responsible. The witness would like to express that her parents did not have the opportunity to hold a wake over their family, and they could either know where they are buried. These had been very painful events that made her parents cry and of which they spoke very little since they destroyed most of their relatives..."-----

4.9 MARGARITA EULMESEKIAN'S testimony -----

Testifying on December 2, 2009, being Argentinian, bearer of identity document N°

3.949.208, single, teacher retired, currently director of the San Gregorio Cathedral's Choir, born on 07/15/1933 in Cordoba, domiciled at Virrey Olaguer y Feliu 3090, of this city-----

She declared: "... that her father was called Abraham Eulmez, and he was born in the Province of Anatolia, Hadjin on 1901, his father died very young so he began his primary studies in his native city in an priest's school. From the very beginning priests recognized the intellectual conditions of her father, his diligence and his willing to learn, so they dedicated special attention to him and her father learnt French, Turkish, and Armenian, he also served as altar boy, what helped him to be autodidactic and to form himself. In the year 1915 he was ready to begin his secondary studies when problems with the Armenians began so he could not complete his secondary studies. Abraham together with his mother, his sister and his sister's husband and other relatives and neighbors began their deportation way towards the Desert of El Zor with all the vicissitudes this implied. There were young women that hid their beauty. Leaders and intellectuals had been murdered as the first part of the plan. They arrived to the area of Rakka, near Adana another city of Armenia, there were arrestments before continuing. There Abraham attracted the attention of a village leader that advised about the dangers and took them and moved them under his protection to the next village. During deportation they had been exposed to every kind of horror, undoubtedly with extermination objectives. Their objective was that the Armenians people disappeared from the world. Since they were superior to the Ottoman people their existence represented a danger for them. In that settlement they received information that things were calming in their missed village and that there were possibilities to come back, so by 1920, with his protectors' knowledge Abraham came back to Hadjin together with his family where he and his neighbors began re-building

the village so as to make it again their place of residence. Some time later, that hope was frustrated. Turks and the neighbor countries began a new attack to Hadjium and they should face the attack in minor conditions and after 9 months of self-defense they defeated the enemies and went up the mountain. This is an historic episode in Armenian history that is reminded all over the world and is known as "Hadjium Self-Defense of Nine Months" That there is a song referred to that episode dedicated to the French allied of air help that never arrived. After that, they could go down the mountain and get to the city of Adana, in that place, his father joined other compatriots. This took place in 1921 in the active fight of her father. That deportation process meant violations, harassment, tortures, death, and very few people survived. From there he continued his way to Syria, Lebanon, to the city of Jazir where he met her mother, both were teachers, they fell in love and got married; After that they went to France. In 1947, her father was sent to New York as Latin American representative to the International Congress on the Armenian Case. In 1957 he went again to United States of America in order to obtain some funds for the reconstruction of Hadjium in his mother country, that is to say the Soviet Armenia. After that he got ill and died very young; once someone told me that his death began in 1915. This is an evidence of the great damage suffered by the Armenians, she informs that Gomidas, an essential factotum of Armenian typical music, that is also a fundamental stone for the nation culture, died in 1935, after getting crazy, being this a direct consequence of the Armenian Genocide and horror..." -----

5. The Resolution Instance. Document Attachments -----

In pages 954/5 of these proceedings is enclosed the plaintiff's, Gregorio Hairabedian, presentation who enclosed to the docket a detailed report of national documents that they have been gathering during the investigation, and that are those mentioned in

the corresponding section of this present resolution. -----

Furthermore, according to pages 966/92 of these proceedings, the presentation made by Mr Gregorio Hairabedian per se and Isaac Nigoghosian acting as Vice-president and representing the Administrative Institution of the Armenian Church; Rubén Víctor Kechichian, President of the Charitable Armenian General Union; Bartolomé Ketchian, President of the Argentine-Armenia Chamber of Commerce and Industry; Adrián Lomlondjian, President of the Armenian Cultural Union; Vicente Hovassapian, President of the Physical Culture General Armenian Union; Gladys Markatian, President of the South American Charitable Civil Armenian Association; Isabel Tchalian, Vice-president of the Union of Marash Armenian; Sergio Nahabetian, President of the Tekeyan Association; and Chaké Kopoushian, President of the Armenian Residents of Hadjin; all of them with legal advice of Mr Carlos Andrada, attorney-at-law, Registration N° CPACF. T 26. F831; requesting a declarative resolution of Truth and to decide on this action -----

6. Historic context-----

In order to understand the meaning of the events, that are to be reconstructed, it is necessary to context the field and the historic circumstances before the events. As a better understanding tool of the process that triggered the Armenian extermination carried out by Turkish Government.-----

This is not the opportunity to reproduce three thousand years of history of the Armenian Nation; proper issue of historic complications. Either is this procedure vector the debate environment about the historic intention of that nation; and it should be noted that any discrepancy regarding the information, references and further circumstances detailed, are proper of a scientific discussion that this Magistrate will respectfully refrain to deal with. -----

This is a brief, precise and short detail of the evolution immediately before the events and we are based on the bibliography and documents submitted by the plaintiff; people who are interested in this aspect can improve and investigate in depth. -----

For the purpose of this declarative resolution, it will be detailed the sequences that are functional to order the speeches and reports attached.-----

First of all, I will make reference to the territory where the Armenian nation was historically settled and the circumstances related to that issue. -----

6.1 Armenian Territory-----

The original territory of the Armenian Nation is located in the physical place between the Euphrates River and Caucasus, near the lakes known as Van and Sevan, with a topography characterized of tall plateau and deep valleys.-----

The Armenian Community, residing during centuries in that region, is distinguished because of the language that derives from and Indo-European root and the religion that derives from the autocephalous Christianity as from the Century IV. The history of this nation, very extended, was very prolific considering the periods of dependency and partitions, always with episodes of dominations and/or their own independence processes of the millennium after Crist.-----

As an interesting feature, we should recognize that Armenia, experienced as from the ending of XI century in the region of Cilicia, in front of Cyprus, one last and prosperous kingdom that declined in the year 1375, as from the Ottoman domination, that divided the Nation in two Muslims enemy States, one of Sunni root (the Ottoman Empire) and the other Shiite (Persia). Towards the year 1600, the Russian invasion to the Persian Armenia was the deciding factor of coexistence as from then on, of a Western Armenia, under the Ottoman influence, and an Eastern Armenia, with a little proportion of Iranian territory.-----

In the period comprised between this sequence and the events of genocide, the existence of the Armenian nation under the Turkish domination was settled in the so called Great Western Armenia (between the River Euphrates and Arax) Minor Armenia (regions of Malatia and Sivas on the West of Euphrates) and the Cilicia (located over the northeastern corner of the Mediterranean); and the existence of several and important communities extended in different places of the Imperial territory (Ottoman), among them stands out the community settled in the city of Constantinople, where the Armenian Patriarch resided, who was the representative before the Imperial Authorities. -----

6.2. The First Genocide -----

The Armenian nation submitted to the domination of Ottoman Sultans was an important agent of development of the Empire in terms of economy and culture, being functional to it and maintaining in peace the condition of dominated nation within that Imperial scheme in a marked inferiority stage but not hostile. -----

In few words, Armenia enjoyed within the Ottoman Empire a kind of protection, since Armenia could develop moderately, as long as it were functional to the Imperial interests and without affecting the domination scheme. -----

The crisis experienced by the Ottoman Empire as from Greece independence, process that began in 1821 and finished on 1830, was the event that triggered the Imperial break down, and that was considered by the Western European Powers as a risk in front of the expansion desires of the Russia of Tsars. -----

Towards 1876, with the Sultan Abdul Hamid, the Empire had within its boundaries, important minorities of Christians in European territories (Serbians and Bulgarians) and in Minor Asia (Greeks and Armenians). The defeat suffered by Abdul Hamid in the beginning of his realm, in hands of Russians, provoked the urgent British support

to the Ottoman Empire, in order to avoid the incidence of the victorious Russia. -----

Under that protector umbrella, Armenian people in the Empire were concentrated specially in Cilicia and the six western villages, namely: Van, Bitilis, Erzerum, Diarbekir, Jarpert and Sivas; although it should be noted, they were in a degradation context of their situation, that generated political articulations in the community, in order, at least, no to make their situation within the Empire get worse. -----

This generated the creation of several political parties, all of them that even due to the different ideological tendencies that they may have (it should be noted that this is a period with great ideologies) were worried towards the Armenian situation and its future. This is the historical context in which the genocide of the Armenian nation took place as from the year 1894. -----

The first of the genocides took place between the year 1894 and 1896 and began with the well-known Sasun Killing on the West of Van Lake, then, a year later and due to the reform claims of the Armenian' s parties, new killings ordered by the Sultan Abdul Hamid were generated. -----

Even more, with the activation of rumors among the Muslim community in the East of Minor Asia regarding certain conspiracy against the Empire, that directly and as an answer to that political situation, initiated the killing of Armenians with the silence of the Imperial authorities. -----

Armenian historians estimate that victims of that period amount to the terrifying number of 200.000 or 300.000 Armenians, crimes that took placed followed by other reprehensible events such as forced migrations and thousands of conversions to a Muslim religion in order to avoid death or migration. -----

The so called Hamidi Regiments served as labor of the Muslim repression, they were arrested in the past Kurds riots.-----

The seriousness of the events occurred, did not generate significant reactions on European Powers, which politically considered the Ottoman Imperial consolidation, as functional to their interests contrary to those of the Tsar Russia. -----

This inaction, encouraged the repressive acting of hamidi focused on Armenians who were obliged to organized themselves in resistance; enabling a kind of legitimation of Sultan's positions tending to promote the idea of an "internal enemy" agitated by the Sultan. -----

On the one hand and at the same time, the deep crisis of the Ottoman Empire was also the reason of the development of Reactionary Turkish nationalist groups that were worried about the hypothesis of a break down and incompetence of the Sultan to handle the crisis, accelerated by the military defeat of year 1878. -----

This also announced the division of European Provinces in the Empire in a short time, what implied a sensitive and sustainable hypothesis about the breakdown of political and national Turkish structure. This is the origin of the so called "Pan-Turkism" -----

6.3. Pan-Turkism and the Young Turk Revolution-----

The Turkish nation comes from the region of Turán in Central Asia. -----

They gradually began migrating from Cental Asia towards Minor Asia (to the west) where they finally settled in XI Century (as it was stated before) and whose presence is consolidated after the siege of Constantinople 1453, with a strong expansive pretention towards the West of Europe, nations to which historically rivaled during ages. -----

The European procession's loss encouraged the development of Pan-Turkism, completely inspired in the Ottoman doctrine that pretended the merger of a new nation that is to say the union of all Turks from Bosphorus till China. -----

The nations that hindered this union should be taken away -Slavic and Arabs-,

expelled – Greeks – or exterminated – Armenians- since they represented a geographic barrier between the Ottoman Turks and the Tartars from Caucasus (today Azeri). So Pan-Turkism, proposed the massive sacrifice so as to preserve the national Turkish integrity, which was addressed to Armenians according to history.-----

The outcome of the Ottoman Empire crisis occurred in 1908 when Young Turk Revolution took place; the revolution was directed by the so called Committee of Union and Progress or Itihad that at the beginning ventured a favorable situation of the liberal desires of non-independence of Armenians' parties.

As a shock of the antique Imperial system, the Armenian town of Cilicia experimented in the year 1909 a second programmed killing, first the city of Adana with an amount of 30.000 Armenian victims. The European policy continued to be silence, and impunity the norm.-----

In 1913 there was a military coup in Constantinople with a Pan-Turkism inspiration. As a paradox the Government was integrated respectively by a representative from the navy – Djemal Pasha- of War – Enver Pasha – and of Interior – Talaat Pasha, in other words, the Young Turks.-----

6.4. The “Paramilitaries” Young Turks-----

In 1914 and as part of the Pan-Turkism Revolutionary Program the Young Turks organized in the hamidi way the so called “Special Organization” under the orders of two medical doctors, Nazim and Behaedin Chakir.-----

In that moment the First World War was started, this provided an ideal scenario for the genocide plan. Turkey, that under the influence of the leader Enver, took part in the conflict supporting the German interests, and began the Campaign in Caucasus against the Russians, and took the opportunity to conform the army with Armenians that were obliged to fight.-----

At the same time and since there was an important Armenian community also at the Russian side (Caucasian Armenia) they were also recruited to fight in favor of Russia of the Tsars, so Armenians from both sides confronted in a savage campaign with terrible results for the Ottomans.-----

One of the consequences of the defeat was that Turks attributed responsibilities of the battle to Armenians that were recruited in a compulsory way and unarmed.-----

Another consequence of this campaign, was the self-defense of Armenians veterans of Van, who were temporarily saved due to the Russians advance, they were presented as insurrectionists, reviving the ghost of an internal enemy and finding a future legitimation for a physical extermination. -----

On the other hand, interests of the Powers in conflict were literally indifferent about the Armenians, that as they were irrelevant for French and British, but significant for the alliance between Turkey, Germany and Austria, they were left exposed to a latent (and imminent) hypothesis of killing; as if the Armenians were a kind of ethnic dregs necessary to exterminate in order to consolidate the Ottoman Power in Minor Asia and Caucasus and also to find within the power of the Young Turks, a vital representative of their hegemonic interests for the Consonant Powers. -----

This is the situation framework in which the brutal genocide of the Armenian nation was implemented, that is to say, in other words, how was historically tested the plan of extermination of a complete nation, before what Nazis called "the final solution"-----

And in this historical context are based the terrifying narrations detailed in this Court, in the words of sons, grandchildren, great-grandchildren of survivors Armenians or just involved in this judicial proceeding by means of the investigation carried out by Community Representatives constituted as plaintiffs about the significance and cruelty of the events, which will be reported giving the importance and the scope this instance

deserves. -----

7. The concept of Genocide-----

The Real Academia Española defines genocide as: -----

The “systematic extermination or elimination of a human or social group due to race, religion or political reasons..” -----

(New Encyclopedic Dictionary Espasa, Espasa Calpe Publishing Company, Spain, Edition 2000)-----

The brief and strong definition, testify the cruelty of the concept “...systematic extermination or elimination...” that is to say, colloquially refers to the action of making vanished off the face of the earth a human or social group due to the detailed reasons. -----

More specifically and as it was pointed out by the plaintiff parties, the Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) which purposes emerge from Resolution N° 96 of the United Nations General Assembly on December 11, 1946 in section 2º, defined a number of acts that correspond to the category of genocide, being essentially all “...the acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group ...” -----

The norm takes the concept defined by Rafael Lemkin as “... actions that attack the essential living conditions of a group and that are directed to exterminate it...”-----

So the cited article, mentioned the actions that are characteristic of this crime: -----

“...killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group...”-----

This is the definition included in the article 4.2 of the Statute of the International Criminal Court constituted “ad hoc” for the former Yugoslavia, 2.2 of the similar for Rwanda and 6 of the International Criminal Court. Are instruments of the Customary International Law and “ius cogens”-----

In our legislation, it is known, the Section 75 of National Constitution, sub-section 22 includes as Supreme Law of the Nation, the treaties and international conventions subscribed by the Argentine Republic; circumstance that enables the application of the international legislation referred to, as from that constitutional mechanism.-----

7.2. The seriousness of its significance -----

The object of extermination is no other than a human or social group which is identified because of its race, religion or simply the way of thinking. -----

The concept is irrational and repugnant to any civilized order as it is any proposition that categorized people based on their ethnic origin, religion, or political tendency. Moreover in case the proposition intends to point out a social group in order to stop their existence. -----

If war is unacceptable, how much unacceptable is a historical process that includes the perpetration of a genocide? Who has the power of exterminating our fellows? Which kind of law may justify the extermination of social, ethnics or religious groups? How can it be justified the implementation of a systematic plan to eliminate people or social groups? -----

However and unfortunately, the seriousness of these questions, was not and had never been, a preventing factor of the several events of killing and barbarity of the history of the humanity; even less of the enormous genocides that characterized last century, despite the “evolution” of the human thinking- Jewish extermination in the Nazi’s Germany, sadly known as “the final solution” and the “tested” extermination of

Armenians by Turkish authorities. -----

In particular, and inherent to this last and terrible chapter of history, as it was observed, the convergence of different political factors, made the massacre possible and together with that, the silence, or knowledge of the great powers of that moment regarding the events -----

That is to say, no genocide had occurred if the Turkish State would not have designed and instrumented it; and the great powers in conflict would not have enabled it. -----

So, the Court proceeding on which I have been dealing with, will be the scenario of the present declarative resolution that results to be the product of a work that turned to be really efficient, thanks to the invaluable collaboration of Armenian communities in the Argentine Republic and the legal representatives constituted in the process. -----

7.3 Its ontological distinction. Crimes against humanity. -----

The referenced distinction comes from the text of the before mentioned Convention (CPPCG) and to the purposes of this instrument, it enables to duly characterized the events under investigation on the concept of genocide, with ontological independence regarding the facts that may be characterized as crimes against humanity. -----

Section 2 of the Convention, requires as an essential integrative element of the type, the concurrence of one intentional specific element or also called “mens rea” and/or “dolus especiales” that is in the intention of the author of the acts detailed in said legislation of eliminating completely or partially a group mentioned in the Convention. Victims are not selected by their particular qualities but because they pertain to a group. -----

That is to say, from that definition, it is clearly derived that the distinctive characteristic of the crime of genocide, is based on the specific characterization of that kind of malice, and its absence does not prevent from punishment like any other crime

(tortures etc.) when due to its terrifying features has a superior level than common crimes, but does not achieve the genocide entity. So you arrive to the category of crimes against humanity that differ from the concept core of the genocide crime and the subjective element before mentioned.-----

According to the several testimonies and documents submitted in these proceedings, it results very clear and proven that facts credited deserve to be legal qualified as “genocide” according to the description that emerges from the mentioned conventional instrument to which they adjust-----

This is the conviction that assists to me, that is sufficient for the criminal pursuit, even with the objections regarding its efficiency that may offer as time goes by – to the protection of the imprescriptibility of punishment, as well as the right of the victims (and their successors) to know at least, the acts committed in a full scale, and what had come of their relatives in this terrifying context of extreme pain.-----

It is true: it results really new the nature of this process, its particular characteristics and the condition, has for example motivated, the appropriate decision of the General States Attorney’s Office of moving aside the process, due to the reasons pointed out by Mr Osorio, and also afterwards because it was assumed again the intervention through the Human Rights Public Office-----

And the decision of this Court of Appeals, always taking into account the particular characteristics of this proceeding, has understood that the real interest of the plaintiff is based on clarifying the facts and the pursuit of a declarative resolution of truth regarding those events. -----

However its orthodox condition does not block the validity of the criteria held by the Supreme Court of Justice in relation to the need of a deep investigation of crimes against humanity and the imprescriptibility of the criminal pursuit; that on the clarifying

and declarative nature of this process (in the defect of a punitive effect) does not notice any legal obstacle for the progress of this declaration.-----

Therefore, I will immediately make reference to the legal precedents of the National Supreme Court in relation to this issue and that adjust perfectly to law. -----

7.4. Supreme Court of Justice's legal precedents regarding Genocide -----

The significant detail of the plaintiff's requisition framework, in the Supreme Court's legal precedent quotation, turns really abundant all the description, even though when within this topic, it will simply correspond to make a brief reference to its decisions in which it had been noted the special treatment given to crimes against humanity and among them those related to genocide. As well as, all the significance consequences derived from that criminal condition. And as a result of those arguments, the legal significance of the facts reported by the Armenian Communities and the clarifying request.-----

The reference I will mention, is not arbitrary grounded, but has been adequately discriminated regarding its sense and virtue in relation to the present investigation, that as it is known, does not pursue a punitive effect but just the clarification of facts known as the Genocide of the Armenian Nation of years 1915 to 1923.-----

The plaintiff's first quotation refers to the decision of the case "Priebke Erich o/ extradition request" (NSCJ dated 11/02/1995) as it resolved "... the fact of giving death to seventy five Jews that were not war prisoners, nor acquitted, condemned or passed to the disposition of German military Court, nor to the German police, out of the three hundred and thirty five murdered people under the particular circumstances of this case, configures "prima facie" a genocide crime. This is resolved without diminishing other possible qualifications of the event that will be contained within the crime of genocide... The qualification of crimes against humanity is not based on

States' willingness ... but on the principles of "ius cogens" of International Law. -----

Afterwards, the Supreme Court resolved on August 24, 2004, the case entitled "Legal resource deducted by the State and the government of Chile in the case Arancibia Clavel, Enrique Lautaro o/ aggravated conspiracy and criminal association and others – case N° 259" grounding an important doctrine, with a great extension level and with the most resonant grounds detailed as follows:-----

"...11) that strictly and based on the definitions used by the "a quo" it corresponds to qualify Arancibia Clavel's conduct as a crime against humanity since the group to which he pertained, was accused of persecuting Pinochet's political opponents in Argentina through kidnapping, torture, disappearance of persons, and murder (over which there are no doubts) with the consent of state's officers..." -----

"...13) that it cannot be held that if homicides, tortures, and disappearance of persons are considered crimes against humanity, the fact of being part of an organization aimed at committing those crimes, is not, since that assertion should represent a contradiction, every time this last is considered a preparatory act punishable on others..." -----

"... 16) that crimes like genocide, torture, disappearance of persons, homicide and any other act directed to the persecution and extermination of political opponents ... cannot be considered as crimes against humanity, since they attempt to people's rights as it is prescribed in Article 118 of Argentine Constitution ..." -----

"... 21) that the exception to this rule (the prescription) is configured for those acts that constitute crimes against humanity since they refer to facts that are not strange for the whole society regarding its magnitude and significance. This makes them to be present not only for our national society but also for the international community. In this sense, it was said that "both crimes against humanity" and those traditionally

called “war crimes” are crimes against the “right of people” to which the whole world compromises to eradicate....” -----

”... 30) that the Articles of modern treaties have operative presumption, being, most of those Articles clear and complete for their direct application in the member states and individuals without being necessary a direct implementation; and moreover the acceptance expressed by means of conventional adhesion or ratification it is not exclusive in order to determine the existence of ius cogens...”-----

And as a conclusion “... 36) by virtue of the precedent mentioned, taking into account that the Argentine State assumed before the Inter-American judicial order not only a respectful position regarding human rights, but also a warranty position: it is in principle, imputable to the State any violation of rights recognized under the Convention, carried out by actions of Public power or people acting under their official character. Notwithstanding that, there does not either finish the situations in which the State is obliged to prevent, investigate and punish the violations against human rights, nor the situations in which the responsibility may be compromised by effect of a violation to those rights...”-----

In order to strengthen the non-expiration of crimes against humanity, on June 14, 2005 the Supreme Court in the case entitled “Simon, Julio H. and other” referred to the progressive development of Human Rights International Law – and the scale that said normative provides, Article 75 paragraph 22 of National Constitution, that excludes State of authority to adopt decisions with effect in the renounce of punitive effects on crimes against humanity. -----

See “...they prevent the clarification and the punitive effects of acts contrary to rights recognized in international treaties on the matter – Section 75, sub section 22 National Constitution- that prevent the guaranty responsibility of the Argentine State

and that are admissible...”-----

In that way, considering the expressed criteria, these proceedings are fully validated and have sufficient legal grounds for the clarifying and declarative purposes brought about by Associations and Community Foundations that appear in these proceedings. -

7.5. Plaintiff's grounds. The Assumption of the Court -----

This entry of the declaration has special significance since here it is expressed the reasons that make the plaintiff submit the present petition.-----

Essentially, this Magistrate considers that his activity in this process, as unusual or new that it may result, should be adjusted to gather the evidence submitted by the plaintiff party, to facilitate and provide the authorized procedure instances for that purpose; and to issue a decision according to the procedure objectives, in an effective homologation of the plaintiff's valuation, with the corresponding evidencing component-----

And this Magistrate respectfully homologates and takes as if it were of its own, all the plaintiff's specific valuations that based on the evidence gathered enable to conform the proof of these proceedings; since in this case the jurisdictional organ operates as instrument to obtain the documents and testimony that approach to the truth, whose real construction is of the plaintiff's knowledge (and his represented parties) -----

It should be noted that this procedure vector is not a field in which any proposal is homologated, without analysis about the truth of documents and testimonies gathered.-----

However, since the origin of the evidencing elements are fully proven and with no questioning about its veracity and authenticity, as they are composed of official files from the nations to which Rogatory Letters were issued, the analysis of these conditions result really overabundant. Furthermore, the articulation of its extremes, in

the factual construction of Armenian genocide is proven by several testimonies of historians and scholars of the subject matter, who definitively did no other thing than agreeing in the events of Armenian killings in the Turkey State during the period between the years 1915 and 1923, and interpreting the reasons and causes, even with the characteristics proper of any particular approach, with a high level of consonance -----

This Magistrate is neither an historian nor a witness of these significant historic facts. He is just a judicial entity that validates and enforces as law by means of his decision, the results of the investigation carried out in order to obtain a clarification of the events, based on the evidencing elements obtained and submitted and the reasons of the plaintiff that I will make proper. -----

So, I will reproduce as if they were my own words, what has been expressed by plaintiff as reason and cause of his request:-----

“... According to the evidencing elements submitted in these proceedings, Armenians were destroyed in their own and historical territories invaded and occupied by Turks as from the XIII century. More than two thirds out of the two million Armenians existing then in the jurisdiction of the State of Turkey, were murdered (one million and a half) and/or deported, their properties were confiscated (either personal or real property) ... According to the collected evidencing elements in different countries it can be clearly, expressly and without contrast noted the configuration in the case of the genocide perpetrated against the Armenian nation of all the typical actions described in Article 2 of the Convention. From the simple reading of documents from United States, Belgium, France, England and Germany and from the testimony provided in these proceedings, it its clearly observed the existence of homicides, serious injuries to the physical and mental integrity of people persecuted, submission and destructive life

conditions, measures tended to prevent births and forced movement of children...” -----

Bringing up the subjective aspect of the referenced crime – genocide according it has been described in these proceedings “... it is clearly observed, from reading the evidencing attachments I, II and III, that there exists, as an immediate objective of Turkey, an intention of destroying Armenians either completely or in part specially during the years 1915 and 1923. It is also necessary to point out that the destructive intention existed every time the responsible people knew that there were an intention of eliminating the group, basing said affirmation in particularities and systemic commission of the crime of genocide...” -----

And as evidence of this assertion, it is expressly mentioned the document identified as “Secret Report on deportation of Armenians” from the German Empire’s Embassy in Constantinople and subscribed by lieutenant colonel Stange that says: -----

“... In view of all the events it can be considered as certain: the deportation and destruction of Armenians had been resolved and organized by the Committee on Young Turks in Constantinople with the support of members of the army and volunteers. In order to help to carry out this task on land, there were at a local level, the following members of the Committee: Hilmi Bey, Schakir Bey, the member of Parliament by Erzurum Seyfoulla Bey; apart from local officers: Vali Tachsin Bey, the Police Director Chouloussi Bey and finally who acted more cruelly apart from the Police Director, regarding the execution of measures, Mahmud Kiamil Pascha...” -----

Other documents of the same nature expressed the following: -----

“... The expulsion of Armenians out of their homes in the provinces of the east of Anatolia and their relocation in other areas are being carried out in a savage way. According to a reliable report issued by Catholics of Sis, up to now 30.000 Armenians were deported from its diocese. Zeitun and the neighbor cities, Albistan, Dort Yol,

Alahash, Hassan Beyli- and even smaller places- were completely cleared up...It is evident that the expulsion of Armenians is not only motivated by military considerations. The Interior Minister, Talaat Bey ... referred recently to this without restrictions before Dr. Mordtmann who at present works at the Imperial Embassy. He said that the Sublime Door intends to take advantage of the First World War with the objective of making tabula rasa with internal enemies, local Christians, without other countries' diplomatic interferences. This task was also helpful for German interests, allied of Turkey, since Turkey could result strengthen... Some days after that... the Armenian patriarch expressed before the same officer that the measures adopted by the Sublime Door were not aimed at making the Armenian nation to become temporarily undefended, but they were aimed at expulsing them from the Turkish territory o moreover to their complete extermination. Deportation is as much severe as killing, and it would not be surprising if Armenians tried to defend themselves, however they will have no success possibilities "... as a badly treated animal that attacks their tyrants..." (Document titled "The Expulsion of Armenians from Eastern Anatolia, N° 372, directed to the Secretary of State of the German Empire)-----

And for better understanding, the plaintiff recently attached other documents of the same origin and significance, showing with such an emphasis the commission of crime of genocide and its design and instrumentation by the Turkey State. -----

There is a short summary of consular documents of the German Empire submitted by plaintiff-----

1. A letter from the German Consulate in Alepo to the Empire Chancello Von Bethrmann Hollweg, on December 20, 1915 evidences the following: -----

"... The deportations commissioner sent by the Ministry of Internal Affairs openly declared here: "we desire an Armenia without Armenians". This is the principle

applied and that is still applied by Government and its implementation resulted in deportation, in most of cases on foot, of 4/5 of the Armenian Nation, including women and children, from their places of residence in Minor Asia to Mesopotamia and Syria...During those caravans that lasted weeks and months, the greatest difficulties were those regarding food, even in cases in which the supply of food was organized and planned, and most of the deported people died because of starvation, exhaustion, and illnesses and continued dying day after day, beyond the government and the population motivated to kill them... In the western area, during several deportations the 75% of the people died, as long as women and children were taken to Muslims harems ... under such circumstances it is risky to deny the amount of 800.000 murdered, as it was published by the British's..."-----

2. Another letter directed to the same Chancellor dated February 1, 1916 from Aleppo, it expressed:-----

"... I submit to His Excellency the following reports attached regarding the Armenians deportation ... 2) Copy of a report of Engineer Bastendoff, who during the deciding events was employed during weeks in Ras ul Ain y Tell Abiad in the building of the train to Baghdad, and there is no doubt about his credibility. His oral reports were even more terrifying. However, the written report contains enough facts to have an idea about the deliberate and intentional killing of deported people by the Turkish States' organisms. The repeated testimony of Armenians that the deported caravans were intentionally directed from one side to another without any fixed destination, just to "walk up to the death" can be evidenced here in an example..."-----

3. The testimony of the Consular agent Wilhelm Litten directed to the German Chancellor in Turkey, from the same city of Aleppo, on February 6, 1916 evidencing a terrifying narration.-----

“... Dear Mr Chancellor, Summary: I have seen with my eyes about a hundred dead bodies and several graves recently dug in the way from Der Zor to Meskene. It cannot be counted the graves unified in the cities as well as in cemeteries. I saw 20.000 Armenians approximately. But in all figures I mention, I limit myself to estimation to those I've really seen. I never moved away from the street, for example and I have not looked for in distant neighbors of Der Zor. So the real amount of people deported should be greater. I have not seen those that are still on the left margin of the Euphrates either. I have traveled a partial way. To the North of Meskene, in the direction to Bab and to the North of Der Zor in direction to Rebel Aim there were important Armenian camps expecting to be moved. So, any persons travelling after me doing the same route may count 10 times more dead bodies from those I have registered. In every part of Turkey were the desert area limits with the populated area, there will be in these days similar tragedies with hundreds of thousands participants. Turks do no call Armenians as prisoners but as emigrants (muhadschir) and so are they called to themselves. The official report called “evacuation” to this manner of killing. The cruelest of all! Officially everything is in perfect condition. They had not taken a cent violently... surviving people are not taken anything away. They can buy whatever they wish... If they find something to buy! And nobody can assert easily who is the real killer! What will happen with them? I asked during the travel to some Turks. The answered: They will die... the absolute obedience of faithful gendarmes to government, to whom it never came to their minds that service oath can also obliged a transitory disobedience and to request the modification of and order to which is enough justification the cold of winter, the terrible hot of the summer, exanthematous Typhus, and lack of food. Those that died in their way were ottomans subjects and Christians. Capitulations were annulled; in Turkey we are equal to ottomans citizens

of Christian faith. We can only pretend equal treatment! I am sure that everything manifested is according to my knowledge, Sincerely Wilhelm Litten” -----

4. And finally as a definite sample of the barbarity described, I should highlight, that here we quote some of the documents, but not all the reports gathered by the plaintiff, paying tribute as follows, to a piece of writing sent to the German Embassy dated July 21, 1918, that describes:-----

“... Armenians persecutions in the Eastern provinces arrived to their final phase. The Turkish government in executing the program: Resolution of Armenian problem by the destruction of the Armenian race, does not let itself to be influenced by our warning, or the warning of the American Embassy and the Pope’s delegate or by the intimidations of the allied forces and even less by the consideration towards the public opinion in the West; now they are about to dissolve and to disperse the last groups of Armenians that resisted the first deportation... These events are also known by the Sublime Door which in several opportunities confronted our warnings regarding the Armenian issue. However, we are not, as several times it had been said, but our enemies who showed the Turks the way to submit the suspicious elements of the community, regardless the human rights principles...”-----

Continuing the statement, the plaintiff considered to adequate the evidence to the already referenced Convention on Genocide according to the following conclusions:----

“... This party considers that it is duly proven that in Central Anatolia, Armenians between 20 and 45 years, mobilized by the Ottoman army since the Empire began a war, were brutally executed. Women, children and elderly people received the order to deport in April 1915 that was followed by violations and executions. Deportations caravans had been systematically attacked by extermination command groups conformed by prisoners and bandits recruited by the Administration: it was the so

called "Special Organization", At the end of July 1915, there were no more Armenians in Eastern provinces; out of the 1.200.000 Armenians only 300.000 could get refuge in Russia; only 100.000 continued their exodus; the rest died during deportation... in Western Anatolia and in Cilicia the method was the same : the Ottomans authorities accumulated survivors in livestock wagons towards Alepo. As the rails were not completed they used deported as forced free labor. Entire families worked in that way until March 1916, date in which the very few survivors were moved to the Syrian Desert as a supposed "transitory" destination of the deportation. The third phase of the plan was aimed at completely eliminating survivors that arrived to the camps in the desert. About 400.000 to 500.000 deported people moved along arid deserts, divided into two axis: the Mesopotamia desert to the East and the Syrian Desert to the South. Towards June 1916 it was given the order to murder the last Armenians alive. In Deir-ez-Zor in the middle of the desert survivors were accumulated in caves before they were burnt with fuel...." -----

The plaintiff described the reasons of the genocide as: -----

"...1) RELIGIOUS: identification of the Armenian nation with Christianity (churches, and Monasteries seized by Turks for other destination contrary to the Christian worship and completely disrespectful, such as the cases of wood deposit or stable etc.) 2) ETHNICS: not to leave any sign of the native civilization and culture of Armenians with the Antique legacy. 3) NATIONAL: "final solution" of the Armenian requests related to the knowledge and exercise of their rights and symbols and national value such as autonomy, freedom of worship, right of assembly, freedom of speech, equality before law and decent material conditions for their living. 4) GEOPOLITICAL: to eradicate a nation as Armenians that Imperial and Republican Turkish authorities considered as a great obstacle for their Imperial territory expansion

towards the oil and gas area of Caucasus and Central Asia, being nowadays one of their most relevant strategic objectives.-----

The plaintiff finally ended the grounds, making reference to his right as plaintiff of having access to a “trial for the truth” as well as its active legitimation in the process, in his capacity of descendant of victims of the genocide committed by the State of Turkey.-----

The indubitable intrinsic and extrinsic condition of the infringed documents, excludes from all questioning the truth of its contents, to the light of them, it is clearly stated the special malice existing in the proven killings, translated into the extermination objective of the Armenian nation by the Turkish authorities and precisely the government of the so called “Young Turkish”.-----

Therefore, it is clearly defined the commission by said State in the historic period mentioned (1915/1923) of the crime of genocide; perpetrated by the articulation of an organized extermination plan by the authorities of the Ottoman State.-----

Such plan, included the design of extermination strategies of different kind, such as the massive movement of complete villages with destination to the deserts near Anatolia, of eldest people, women and children with the objective of dying by starvation or in hands of criminal bands that attacked the caravans; the physical elimination of active men and the burning and destruction of villages, towns, cities, Monasteries, churches, and settlements of any kind in Armenia.-----

That plan also involved the inclusion of Armenians to be part of the battle between the Ottoman Estate and Russia; and the abandonment of surviving people to their own fate-----

If this were not the case, there will be no explanation for the important testimonies gathered by the different evidencing channels in these proceedings, and that at the

same time, reproduce in a greater or lesser extent of cruelty, the abundant and plentiful bibliography existing regarding the subject matter; as well as the survival in the international level of the continued action of the Armenian community in order to obtain the recognition of the international community and the Turkish State of the terrible crimes committed and to repair the damages caused.-----

I should repeat: This process has no other value or significance than the one requested by the plaintiff; this is to obtain a declarative resolution of the veracity of the facts submitted and the historic rigor of which is duly documented in the files of the Powers of that moment.-----

This is not, and cannot be a request of a historic revision of all the episodes representative of the Armenian genocide. This is either a scientific or anthropologic piece of the exact scope of the massacre along eight years on the Turkish territory. -----

However, this is the result of a procedure segment new in the Argentine Republic, with the weight of a clarifying process of facts that undoubtedly are immersed within the called crimes against humanity, and in that context, the punctual type of genocide; which requires to be evoked within a legal framework according to the seriousness of the facts committed -----

7.6 Law N° 26.199. Its significance -----

As final corollary of the motivation of this declarative resolution, I bring up what is stated in Law N° 26.199 passed by the Honorable National Congress on December 13, 2006 and enacted in fact on January 11, 2007 that stipulates April 24 of every year as the “Action Day for tolerance and respect among populations” this commemoration recalls the genocide suffered by Armenian people and its veracity is declared by means of this present.-----

The legal text expresses: -----

Article 1: "To stipulate April 24 of every year as the "Action Day for tolerance and respect among populations" This commemoration recalls the genocide suffered by Armenian people and with the spirit of their memory being a lesson for our present and our future" -----

Article 2. "To allow all employees and officials of the Civil Service of Armenian origin to freely make use of April 24 of every year to attend commemoration activities to recall the tragedy that affected the community" -----

Article 3. "All students of Armenian origin of public institutions either in primary or secondary level are authorized to attend commemoration activities stipulated in Article 1" -----

Article 4. "Provincial governments are invited to adhere the dispositions of the present legislation" -----

Article 5 "To be registered" -----

NOW THEREFORE BE IT RESOLVED: -----

I. TO DECLARE AS FINAL DECISION within the present proceedings' framework N° **2.610/2001** entitled "**IMP. N.N. o/ complaint. Plaintiff: HARABEDIAN, GREGORIO**" that under the conditions and with the purposes mentioned, the State of Turkey **COMMITTED THE CRIME OF GENOCIDE** against the Armenian nation during the period between the years 1915 and 1923. -----

II. TO DECLARE by these proceedings N° **2.610/2001** and within this historical context as a result of declaration contained herewith, that **it had been proven the pre-existence and their condition of victims of the maternal and paternal relatives of Gregorio Hairabedian**, residents of the Armenian nation in the territory of the Ottoman Empire and later State of Turkey. -----

III. To be issued a judicial notice to the General Attorney's Office and to the plaintiff

party informing that as from today they can appear before this Court to withdraw a copy of the present instrument, on paper and also in an electronic format.

IV. To inform furthermore, and within the competence frameworks, the Executive Power and Human Rights Secretariat, the Ministry of Foreign Affairs, International Commerce and Worship and the Honorable Houses of Deputies and Senators, issuing the corresponding legal notifications with a certified copy of the present resolution together with a copy of the same in electronic format. -----

V. To inform that this declarative resolution is completely available upon plaintiff's request and/or any of the organizations, associations, and community foundations gathered under that representation in these proceedings, for its communication, publishing, educational purposes, and/or presentation before national or supra-national organizations and /or every national or international proceedings related to the publication of the evidenced facts and the recognition of the Armenian nation according to them.-----

VI. THIS RESOLUTION SHALL BE ENTERED INTO THE RECORD BOOK after completing points I, II, III, IV and V it should be duly **RECORDED** notwithstanding that, this docket and the documents attached to it, should be **AVAILABLE** in this Court upon the request of any person exercising the representation or who is expressly authorized by the different organizations, foundations, and community associations gathered by the plaintiff in these proceeding from now on.-----

BEFORE ME-----