APOLOGIZING TO ARMENIANS NOT A CRIME

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Category: Opinions

By Erol Önderoğlu,Turkey, Bianet, 11 January 2010
The Court of Appeals 9th Criminal Office decided that the internet signature campaign "I apologize to the Armenians" ('Erminilerden Özür Diliyorum') does not imply any elements of crime. A group of Turkish intellectuals initiated the campaign regarding the events of 1915. More than 30,000 people have already supported the campaign with their signatures.

The campaign was started in 2008 and caught on in various sections of society, supported by journalist **Ali Bayramoğlu**, Prof. **Baskın Oran**, Prof. **Ahmet İnsel** and Dr. **Cengiz Aktar** to name just a few.

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The campaign sent the following message to the Armenian community: "I cannot reconcile my conscience to denial of and insensitivity about the great Ottoman disaster the Armenians were imposed to in 1915. I reject this injustice and share the feelings and grief of my Armenian brothers and sisters. I apologize to them".

Prosecution referred to "freedom of thought", yet...

Ankara Public Prosecutor **Abdulvahap Yaren** had launched an investigation into campaign-related crimes upon article 301 of the Turkish Criminal Court (**TCK**). However, the case was dropped, reasoning that, "In a democratic society, opposing ideas are also protected under the aspect of freedom of thought".

The complaint was filed by Hasan Hüseyin Satır, Sabahat Özgür, Mehmet İnal Kolburan, Hüseyin Erdoğan, Serdar Orhaner and Kürşat Karacabey from Ankara. The complainants demanded to punish the people who organized and signed the joint petition under charges of "publicly humiliating the Turkish nation".

Prosecutor insisted on dropping the case

However, upon the lodged appeal the Sincan 1st High Criminal Court abolished the order of nolle

prosequi and stated that the court was going to decide whether the offence of "publicly humiliating 'Turkishness'" was constituted by the campaign. The court sent the file to the Ankara Public Prosecution in order to launch an investigation into the suspects.

Prosecutor Yaren insisted on the order of nolle prosequi. He wanted the Ministry of Justice to apply to the Court of Appeals with the demand to overrule the court's decision for the public benefit.

Court of Appeals: no harm done, no right to appeal

Hereupon, the file was transferred to the Court of Appeals 9th Criminal Office and the Court of Appeals Public Prosecution requested to overrule the decision of the Sincan 1st High Criminal Court.

As reported by Radikal newspaper journalist Mesut Hasan Benli, the Criminal Office indicated that there were no legal means for an appeal against the decision since nobody had been harmed directly.

The Court of Appeals sent the file to the Sincan 1st High Criminal Court after the decision. If the court accepts the decision, no case will be filed against the organizers of the campaign. In case of an appeal the file will be taken to the Court of Appeals General Criminal Council to reach a final decision. (EÖ/VK)

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