

Nationalists have shown up in force at court proceedings of journalists charged with insulting the Turkish identity. In February, protesters chant outside a courthouse where five prominent journalists went on trial.

AP/Osman Orsal

Bad Blood

in Turkey

Nationalist lawyers take aim as an Armenian-Turkish editor treads on sensitive topics.

By Robert Mahoney

ISTANBUL, Turkey

Even when he is trying to be conciliatory, Hrant Dink gets in trouble. The managing editor of the only Armenian newspaper in Turkey was convicted in a criminal court last year for “insulting Turkishness.” Ironically, the article in the weekly *Agos* for which he was convicted was an appeal to diaspora Armenians to let go of their anger against Turks for the mass killing of Armenians during World War I.

“This is a political decision because I wrote about the Armenian genocide and they detest that, so they found a way to accuse me of insulting Turks,” Dink told the Com-

mittee to Protect Journalists at the newspaper’s cramped offices in the bustling Osmanbey neighborhood.

Dink, 51, was relaxed this February day, speaking in measured tones throughout the interview. Only hours earlier a court in southeastern Turkey had thrown out a separate case against him for criticizing lines in the Turkish national anthem and the national oath as discriminatory against non-ethnic Turks.

But his voice and face hardened at the mention of his conviction last October and the six-month, suspended jail term he received. “I was convicted of racism. That is not what I was saying,” Dink said.

Robert Mahoney is senior editor for the *Committee to Protect Journalists*.

Dink, a Turkish citizen who has been at the helm of *Agos* for all of the bilingual Armenian-Turkish newspaper's 10-year existence, has appealed the verdict in Turkey and is ready to take the case all the way to the European Court of Human Rights to clear his name.

"If in this case I am not acquitted I will not live in this country anymore," he said. Dink was convicted under Article 301 of the penal code, which forbids denigrating Turkish identity and state institutions. The verdict came the same month that Turkey opened formal negotiations to join the European Union, whose officials criticize Article 301 as incompatible with EU norms on freedom of expression. Yet several other journalists have been charged under Article 301 in recent months, all at the urging of influential nationalist lawyers.

"The state of press freedom in Turkey today depends on a battle between those forces who believe in the European Union and want to change the law and practices ... and conservatives, the military, and the bureaucracy, who fear losing their privileges if there is a change in the status quo," said human rights activist Sanar Yurdutapan, head of the Istanbul-based Initiative for Freedom of Expression.

Dink's prosecution followed a series of articles in early 2004 dealing with the collective memory of the Armenian massacres of 1915-17 under the decaying Ottoman Empire. Ottoman military forces, allied with Germany, killed thousands of Armenians and deported others, accusing them of sympathizing with invading Russian forces. Armenians call the killings the first genocide of the 20th century, a term Turkey rejects.

Dink suggested ways for Armenians, particularly those in the diaspora, to move on, saying that continuing rage against Turks was a poison in Armenian blood. He urged them to rid themselves of the poison and "turn to the new blood of independent Armenia." Turkish nationalists seized on the reference to poisoned blood associated with Turks and found a prosecutor to bring the case.

They even found a way of prosecuting him for commenting on the proceedings.

In October, Dink called the Article 301 charges politically motivated, and the statement was picked up by the Turkish press. This prompted the Turkish Union of Lawyers, a nationalist group led by lawyer Kemal Kerincsiz, to initiate another criminal case under Article 288 of the penal code for attempting to influence the outcome of judicial proceedings. "It is weird," Dink said, "because this statement of mine was published and transmitted by many newspapers and TV channels in the mainstream media. A case was not opened against them."

Dink's appeal received an important boost in February when the chief prosecutor's office of the Supreme Court of Appeals said the October verdict was based on "faulty assessments" and called for it to be overturned. Although the opinion was not binding, analysts doubt the court would ignore the chief prosecutor's recommendation. Dink would not comment on the prosecutor's statement while the appeal was still pending.

Dink said he had always been in the sights of Turkish nationalists, but the past year saw an escalation in their efforts. "The prosecutions are not a surprise for me. They want to teach me a lesson because I am Armenian. They try to keep me quiet."

Asked who "they" are, Dink replies unhesitatingly, "the deep state in Turkey".

This is not the moderate, Islamist-based government of Prime Minister Recep Tayyip Erdogan but secular nationalist forces supported by sections of the army, security forces, and parts of the justice and interior ministries,



CPJ/Robert Mahoney

Hrant Dink is unafraid of challenging Turkish history, whether it is the mass killing of Armenians or the ethnicity of Ataturk's adopted daughter.

according to Turkish political commentators. The nationalists, political heirs of Mustafa Kemal Ataturk, the founder of modern Turkey, still exert considerable influence. They oppose the government's application for EU membership, fearing a loss of Turkish sovereignty.

Nationalist lawyer Kerincsiz told CPJ that the Turkish Union of Lawyers is not targeting Dink, but does intend to pursue anyone who "assaults the values of the Turkish people." The chief prosecutor's recommendation that Dink's conviction be overturned, he said, "has made the Turkish people more sensitive toward the issue because the current government is blowing the horn of the EU."

In particular, the nationalists have pursued journalists who write critically on five major areas: Ataturk, the Armenian killings, separatist Kurds, the security forces, and the Turkish presence in northern Cyprus.

Dink managed to tread on two of these landmine issues in 2004 when *Agos* reported that Ataturk's adopted daughter Sabiha Gokcen was Armenian by birth. Gokcen, who died in 2001 at age 88, was a modern Turkish feminist icon. She won international fame as the country's first woman combat pilot. Official histories say that Ataturk adopted her in 1925 after meeting her during a visit to Bursa in western Turkey. *Agos* published claims by an Armenian, Hripsime Sebilciyan Gazalyan, who said that she was Gokcen's aunt. She said Ataturk had taken her niece from an orphanage in the south-eastern town of Sanliurfa where the child had been sent after losing her parents in the Armenian massacre.

The story incensed the deep state. Protesters jammed the entrance to *Agos* offices and newspapers reported that Dink had received anonymous death threats. "I have written

about the 1915-17 killings, but that got less reaction than the piece on Ataturk's daughter," Dink noted. "Sabiha Gokcen was a hero, a myth for Turkish women. By publishing that she was an Armenian, that myth was shattered."

Stories on Ataturk, the Armenian killings, separatist Kurds, security forces, and Cyprus are considered volatile.

For an iconoclast, Dink is remarkably mild-mannered. "I appear often on Turkish television talk shows. I try to be cool-headed and get my message across," he said. The television appearances are part of a strategy to reach beyond the estimated 60,000 Armenians left in Turkey to ordinary Turks. *Agos* has a circulation of just 6,000.

Dink defends his constant revising of history. "I challenge the accepted version of history because I do not write about things in black and white. People here are used to black and white; that's why they are astonished that there are other shades, too."

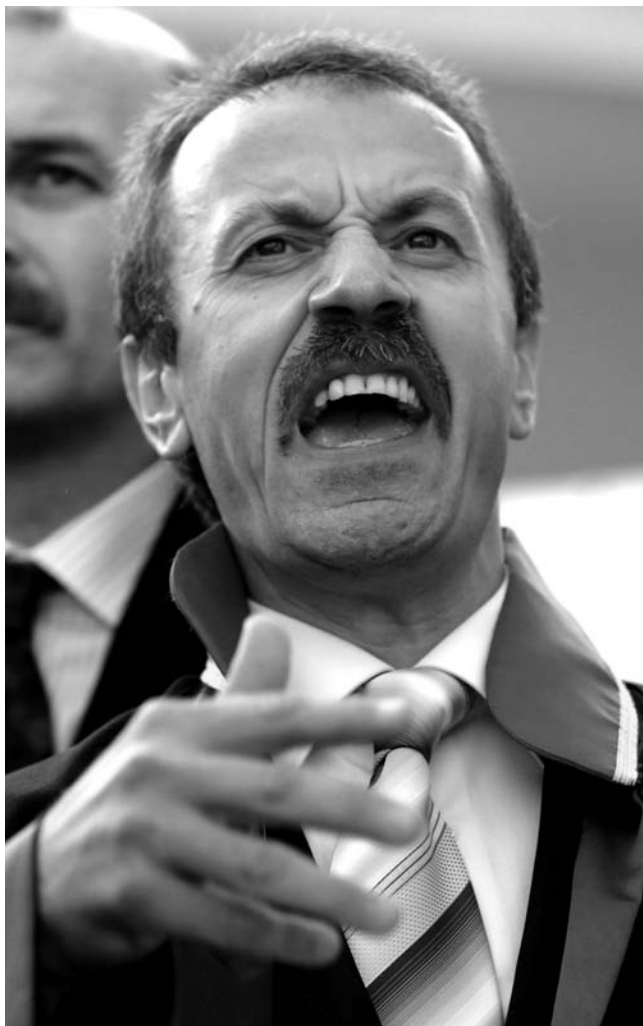
He hopes his questioning will pave the way for peace between the two peoples. "If I write about the [Armenian] genocide it angers the Turkish generals. I want to write and ask how we can change this historical conflict into peace. They don't know how to solve the Armenian problem."

The flurry of cases brought by Kerincsiz and his fellow lawyers against journalists has brought the Turkish justice system into the world spotlight. After a chorus of international protests in December, prosecutors dropped a case under Article 301 against Turkey's famed novelist Orhan Pamuk in January. He had spoken of the Armenian killings in a Swiss magazine interview. The opening of a freedom of expression case against five prominent journalists in February, also linked to the Armenian question, prompted another wave of foreign and domestic protest. Four of those cases were later dropped.

Dink does not think the tide has yet turned in favor of critical writers—"the situation in Turkey is tense"—but he believes they will prevail. "I believe in democracy and press freedom. I am determined to pursue the struggle."

That means he will continue to shine a light into the dark corners of Turkish history, albeit cautiously. "These cases have not stopped me or intimidated me. I am not practicing self-censorship. That said, I am careful in my writing not to insult anybody." ■

For more on this issue, read CPJ's special report, "Nationalism and the Press," at www.cpj.org.



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