

NEWS BULLETIN

International News Bulletin of the Workers Party (Turkey) No: 16

7 March 2014

EUROPEAN COURT OF HUMAN RIGHTS DECISION ON PERİNÇEK – SWITZERLAND CASE

PERİNÇEK WON TURKEY WON!

On 17th of December 2013, the European Court of Human Rights ruled by five votes against two that Switzerland violated the right to freedom of speech by convicting Doğu Perinçek, Chairman of the Workers' Party (Turkey), for publicly denying genocide against the Armenian people.

Background

On several occasions, Mr. Perinçek Chairman of Workers' Party (Turkey) had declared that the claim of genocide against the Armenian population was 'an international lie'. The reasoning adopted by the Swiss courts to find him guilty of racial discrimination rested inter alia on the identification of a consensus about the Armenian genocide. In the view of the Swiss courts, because the Armenian genocide was the object of a 'general historical and scientific consensus', its reality had to be considered established as a matter of fact and could not be challenged in court – even though the issue had not been previously adjudicated by a court of law, and despite the fact that much controversy persisted as to the legal qualification of these events.

The Decision Proclaimed by the European Court of Human Rights

In its decision, the European Court of Human Rights indicated that it was not incumbent upon it to arbitrate controversial historical questions and make factual or legal findings concerning the massacres and deportations that occurred in Turkey in 1915. Rather, the court asked whether the interference in Mr. Perinçek's freedom of expression by the Swiss judicial authorities pursued a legitimate aim and was his measure necessary in a democratic society.

The Court recalled its jurisprudence on the freedom of speech, stressing that the protection of the European Convention on Human Rights extends 'not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb'. Any restriction of the freedom of expression must respond to 'a pressing social need'.

Comments on the decision of the Court

For many people “the decision of the Court was most welcome.” The line of reasoning of the Swiss authorities was indeed troubling, as it came very close to establishing a form of '*dictature de la pensée unique*': a system which places one single opinion above all others, criminalises disagreement, and precludes any form of debate or discussion. Indeed, as the Court has regularly stressed, “such are the demands of pluralism, tolerance and broadmindedness without which there is no “democratic society””.

The term 'genocide' has been used, misused and abused and brandished as a rhetorical and political weapon to further diverse agendas. It should be kept in mind that the crime of genocide as defined under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide requires the specific 'intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such'. A legal determination that genocide has been committed must be made irrespective of the scale and heinousness of the underlying crimes. Genocide remains above all a legal construct.

The position of the Workers' Party (Turkey) on “Genocide claims”

The Workers' Party is well aware of the fact that the genocide issue, which dates from 1915, has been an instrument used by the imperialists to destabilise and to discredit Turkey and the Turkish nation.

“The Armenian question” is an old question. It was created by the imperialists at the end of the 19. century to divide Turkey. During the World War, many Armenians of Turkish nationality revolted against the government and cooperated with the enemy. Turkish authorities, as a precaution, deported many Armenians from Eastern Turkey to Syria, which then was part of Ottoman territory. It is true that many civilian Armenians died during the deportation and many atrocities were witnessed.

During the war, many Armenians fought within the Tsarist Army and massacred many Turko-muslims after the October revolution when Tsarist Army left Eastern Anatolia.

Lausanne Treaty which recognised the birth of the Turkish Republic, opened a new page and resolved all kinds of problems inherited from The Ottoman Empire.

Armenian lobbies backed by the imperialists try to refresh the memory of the massacres and demand that Turkey apologise.

Workers' Party (Turkey) accepts the mutual massacres and has always expressed its best feelings with the victims, both, Turks and Armenians. However “the Armenian Genocide” thesis is a tool used by imperialists to destabilise and to discredit Turkey.

Laws have been passed in many parliaments criminalizing even the negation of genocide.

Mr Perinçek, the Chairman of the Workers' Party (Turkey) refused to accept “genocide claims” and violated Swiss rules. Mr Perinçek had to face the accusation in a Swiss Court and defended his thesis which he had expressed in public in Switzerland and in Germany.

“Genocide is an international lie”

“Genocide is an imperialist lie”

Conclusion

Armenia is Turkey's neighbour and Turks are ready to start a dialogue with Armenians. We, as Workers' Party (Turkey) are ready to contribute to a dialogue. But we will never accept the “genocide claims” which we consider are black propaganda of imperialist forces.

Contact:

Workers' Party (Turkey)

Address: Toros Sokak No: 9 Sıhhiye - Ankara / Turkey

Phone: +90312 231 81 11 * Fax: +90312 229 29 94

<http://inter.ip.org.tr> * <http://www.ip.org.tr>

E-mail: int@ip.org.tr